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Middle Paxton Township

ZONING ORDINANCE

Zoning Ordinance

Amended 8/2/01 Section 502 and Table 5
Amended 01/07/02 Section 305(A) – Table 3-2 Deleted
Amended 04/07/03 Article 9 & 10
Amended 2/2/04
Amended 9/6/05
Amended 1/17/06
Amended 8/4/08
Amended 12/15/08

Amended 2/19/13

Zoning Amendments

TOWNSHIP OF MIDDLE PAXTON

Dauphin County, Pennsylvania 2/19/13

ORDINANCE NO. 2013-02

AN ORDINANCE AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, TO ADD REGULATIONS GOVERNING ALTERNATIVE ENERGY FACILITIES, OUTDOOR HYDRONIC HEATERS, AND AMENDING THE ORDINANCE OF DEFINITIONS OF 2000, AS AMENDED.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

SECTION 1: The Middle Paxton Township Ordinance of Definitions of 2000, as amended, shall be amended by inserting the following definitions in alphabetical order:

Anaerobic Digestion: The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

ANSI: The American National Standards Institute.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of buildings.

ARI: The Air-Conditioning and Refrigeration Institute.

ASTM: The American Society for Testing and Materials.

Biogas: A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes. Also known as renewable natural gas, biomethane, swamp gas, landfill gas, or digester gas.

British Thermal Units (BTU): The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit at a specified temperature (as 39°F)

Building Code: The Township Uniform Construction Code Ordinance, codified as Chapter 51 of the Code of Ordinances, as amended.

Clean Wood: Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term "clean wood" does not include wood:

a. Coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials;
b. Impregnated with preservatives or fire retardants;
c. Exposed to salt water; nor
d. Manufactured with the use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

DEP: The Pennsylvania Department of Environmental Protection or any agency successor thereto.

DNV: Det Norske Veritas.

EPA: The United States Environmental Protection Agency or any agency successor thereto.

EPA PHASE 2 Voluntary Partnership Program for Hydronic Heaters (outdoor wood boilers or wood heaters): A program made available to consumers to make hydronic heaters that are 90 percent cleaner than unqualified units.
FAA: The United States Federal Aviation Administration or any agency successor thereto.

Geothermal: Of, relating to, or utilizing the heat of the earth's interior.

Geothermal Terms:

Closed Horizontal Loop Geothermal System: A mechanism for heat exchange which consists of the following basic elements: underground loops of piping, heat transfer fluid, a heat pump and an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening, into the heat exchanger, and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than twenty (20) feet deep.

Closed Vertical Loop Geothermal System: A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger, and heat transfer fluid is circulated through the pipes.

Geothermal Boreholes: A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

Geothermal Energy System: An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

Open Loop Geothermal System: Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injecting". Alternatively, the groundwater could be discharged to a surface water body, also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

IGSHPA: The International Ground Source Heat Pump Association.

Large Solar Energy Production Facility: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures, and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

Manure Digester: A facility where the main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; the facility is also to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructures, transmission lines and other appurtenant structures and facilities.

Off-grid Small Solar Energy System – A stand-alone collection system that is completely disconnected from an electric distribution system; batteries are essential to balance periods of excess production and excess demand. The building may be plugged into the commercial energy grid, except the energy generating facility is not and does not sell back to the utilities.

Outdoor Hydronic Heater: A fuel-burning device, also known as an outdoor wood-fired boiler, outdoor wood-fired furnace, and outdoor wood-burning appliance designed:

a. To burn clean wood or other fuels specifically tested and listed for use by the manufacturer;
b. By the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and
c. To heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

Phase 2 Outdoor Hydronic Heater: An outdoor hydronic heater that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly with a white "hang" tag.

Small Manure Digester: A manure digester used to convert biogas into electricity, heat, and water and is intended to primarily reduce on-site consumption of utility power. A system is considered a small manure digester only if it supplies electrical or thermal power for on-site use, except in cases where a property upon which the facility is installed also received electrical power supplied by a utility company; excess electrical power generated and not presently needed for on-site use may be used by the utility company. Small manure digesters that use livestock and poultry manure generated on-site from one (1) farm and are designed and intended solely to generate power to off-set utility costs. Small manure digesters may include "co-digestion," in which the livestock and poultry manure (primary catalysts) may be mixed with other organic materials (secondary catalysts).

Small Solar Energy System: A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment intended to primarily reduce on-site consumption of utility. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except in cases where a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except in cases where a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Solar Collection System: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and possibly foundations used for or intended to be used for collection of solar energy.

Stack: Any vertical structure enclosing a flue(s) that carries off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

Turbine Height: The distance measured from the highest point of the wind turbine rotor plane to the ground level.

UL - The Underwriters Laboratories.

Wind Charger: A wind-driven direct-current generator used for charging storage batteries.

Wind Energy Conversion System (WECS): A device such as a wind charger, wind turbine or windmill, and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat and consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Windmill: A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

Wind Turbine: A device that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad transformer, if any.

Wind Turbine Tower: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

SECTION 2: The Middle Paxton Township Zoning Ordinance of 2000, as amended, Article 3 – A-RR Agricultural and Rural Residential District, Section 302, Table 3-1, shall be amended by adding new Subparagraphs 17.A through 17.B, which shall provide as follows:

17.A. Small Manure Digester, subject to the provisions of Section 1327

17.B. Large Solar Energy Production Facility subject to the provisions of Section 1326.

SECTION 3: The Middle Paxton Township Zoning Ordinance of 2000, as amended, Article 13 – Supplemental regulations, shall be amended to add new Subsections 1322, Geothermal Energy Systems, 1323, Small Solar Energy Systems, 1324, Small Wind Energy Systems, and 1325, Outdoor Hydronic Heaters, which shall provide as follows:

Section 1322. Geothermal Energy Systems

Open loop geothermal systems shall not be permitted in the Township. Closed loop geothermal systems shall be permitted in all zoning districts and shall be subject to the following regulations:

A. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of ANSI, IGSHPA, ASTM, and ARI, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application, and the

applicant shall provide documentation to demonstrate that the design and installation comply with applicable industry standards.

B. In all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.

C. All parts of the geothermal system shall be located a minimum distance of twenty-five (25) feet from any property line.

D. All parts of the geothermal system shall be located a minimum distance of twenty-five (25) from any on-lot wells.

Section 1323. Small Solar Energy System

Small solar energy systems shall be permitted in all zoning districts as appurtenances to any building or as accessory structures and shall be subject to the following regulations:

A. The design and installation of small solar energy system shall conform to applicable industry standards, including those of ANSI, UL, ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

B. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent lots, as well as adjacent street rights-of-way.

C. All on-site utility and transmission lines extending to and from the small solar energy system shall be placed underground.

D. No part of any ground-mounted small solar energy system shall be located within any required setback of any lot.

E. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence demonstrating that the roof is structurally sound in the form of stamped plans certified by a licensed professional engineer.

F. Small solar energy system which are ground mounted or detached from the principal or accessory structures shall not exceed fifteen (15) feet in height.

G. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide

a copy of the electric utility company's final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small solar energy system. Off-grid systems shall be exempt from this requirement.

Section 1324: Small Wind Energy System

Small wind energy systems shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:

A. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of ANSI, UL, Det Norske Veritas (DNV), Germanischer Lloyd Wind Energy GmbH, ASTM, or other similar certifying organizations and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

B. No more than one (1) small wind energy system shall be permitted per lot on properties less than two (2) acres.

C. No more than two (2) small wind energy systems shall be permitted on lots greater than two (2) acres and less than five (5) acres.

D. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.

E. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.

F. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.

G. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, or within any required setback of any lot.

H. All small wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.

I. The maximum height of any small wind energy system shall not exceed fifty (50) feet, except that the maximum height shall be increased to eighty-five (85) feet in the Agricultural and Rural Residential District (A-RR)

1. No portion of any small wind energy system shall extend over parking areas, access drives, driveways, or sidewalks.

J. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.

K. All small wind energy systems shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited to no lower than fifteen (15) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.

L. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet and shall include contact information of the owner of the small wind generation systems as well as emergency services in case of a malfunction

M. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet and shall comply with the accessory building requirements specified within each zoning district.

1. Accessory buildings shall not be located within any front yard or along any street frontage or within any required setback of any lot.

N. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the zoning permit application. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small wind energy system. Off-grid systems shall be exempt from this requirement.

O. The owner of the small wind energy system shall complete decommissioning within twelve (12) months after the end of the useful life of the system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

Section 1325: Outdoor Hydronic Heaters

Outdoor hydronic heaters shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:

A. The design and installation of outdoor hydronic heaters shall conform to applicable industry standards, including those of EPA, ANSI, ASTM, UL, or other similar certifying organizations and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.

B. Unless otherwise specified, only outdoor hydronic heaters qualifying for the EPA Phase 2 Voluntary Partnership Program for Hydronic Heaters shall be permitted.

C. In addition to the types of wood which satisfy the definition of "clean wood", outdoor hydronic heaters shall also be permitted to burn:

1. Wood pellets made from clean wood, if the device has been tested and listed to utilize this fuel; and

2. Home heating oil meeting applicable sulfur content limit, propane or natural gas, when used as auxiliary starter fuels for devices tested and listed as dual-fired outdoor hydronic heaters.

D. In addition to the types of wood which do not meet the definition of clean wood, outdoor hydronic heaters shall not be permitted to burn:

1. Tires
2. Lawn clippings or yard waste
3. Materials containing plastic
4. Materials containing rubber
5. Waste petroleum products
6. Paints and paint thinners
7. Coal
8. Any type of paper
9. Construction and demolition debris
10. Animal carcasses
11. Asphalt products
12. Used cooking oil

E. No more than one (1) outdoor hydronic heater shall be permitted per lot.

F. No outdoor hydronic heater shall be located within any front yard, along any street frontage, or within any required setback of any lot.

G. All outdoor hydronic heaters shall be located at least one hundred fifty (150) feet from any property line, or street right-of-way.

H. All outdoor hydronic heaters shall have a permanent attached stack. The minimum height of all stacks shall be twenty-five (25) feet above the ground or three (3) feet in excess of the height of any inhabited structure within one hundred fifty (150) feet not located on the lot, upon which the outdoor hydronic heater is proposed, whichever is greater.

I. Outdoor hydronic heaters shall be maintained and operated in compliance with all emissions of air quality standards promulgated by EPA, DEP, or any other relevant state or federal agency that regulates emissions of dust and particulates.

J. In no case shall emissions from the outdoor hydronic heaters be detectable beyond the lot on which the outdoor hydronic heater is located, interfere with the reasonable enjoyment of life or property of neighbors, cause damage to vegetation or property of neighbors, or be harmful to human or animal health.

SECTION 4: The Middle Paxton Township Zoning Ordinance of 2000, as amended, Article 13 – Supplemental Regulations, shall be amended by adding a new Section 1326, Commercial Solar Production Facilities, which shall provide as follows:

Section 1326 Commercial Solar Energy Production Facilities

Commercial solar energy production facilities shall be subject to the following regulations:

A. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of ANSI, UL, ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

B. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.

C. All commercial solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way.

D. Commercial solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.

E. The owner shall provide evidence demonstrating that the roof is structurally sound in the form of stamped plans certified by a licensed professional engineer.

F. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

G. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations as well as signage stating the owner of the facility and emergency services in case of a malfunction.

H. The commercial solar energy production facility owner is required to notify the township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall have twelve (12) months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

SECTION 5: The Middle Paxton Township Zoning Ordinance of 2000, as amended, Article 13 – Performance Standard Procedures, Section 1300, Performance Standards for all Uses, as amended, by adding a new Subsection 1327, Small Manure Digesters, which shall provide as follows:

Section 1327: Small Manure Digesters

Small manure digesters shall be permitted as accessory uses and/or accessory structures to agricultural and farm uses and shall be subject to the Performance Standards of Article 13, Section 1300 of this Ordinance. The owner shall provide a copy of the letter from the electric company indicating that it has received and processed an application for interconnection of renewable generation equipment with the zoning permit application. Prior to the issuance of a certificate of use and occupancy for a small manure digester, the owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small manure digester. Off-grid systems shall be exempt from this requirement.

SECTION 6: Validity

All other sections, parts, and provisions of the Middle Paxton Township Zoning Ordinance of 2000, as amended, shall remain in full force and effect as previously enacted and amended.

SECTION 7: Severability

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

SECTION 8: Effective Date

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

DULY ENACTED AND ORDAINED, this 19th day of February, 2013, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF MIDDLE PAXTON

Attest: _____
~~(Assistant)~~ Secretary

By: _____
Chairman

[TOWNSHIP SEAL]

TOWNSHIP OF MIDDLE PAXTON
Dauphin County, Pennsylvania

ORDINANCE NO. 2013-01

AN ORDINANCE AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, TO AMEND THE REQUIREMENTS FOR OFF-STREET PARKING FOR CHURCHES AND AMENDING THE ORDINANCE OF DEFINITIONS OF 2000, AS AMENDED.

BE IT ORDAINED by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

SECTION 1: The Middle Paxton Township Ordinance of Definitions of 2000, as amended, is hereby amended to add the following definition:

No-Impact Home Based Business

Shall be permitted in all zones in accordance with the following requirements except that such accessory use shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest-ownership community.

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

SECTION 2: Section 1701(C) of the Middle Paxton Township Zoning Ordinance of 2000, as amended, is hereby amended as follows:

Uses		Required Parking Spaces
2.	Theaters, Auditoriums, Stadiums or Other Places of Public or Private Assembly	1 per 4 seats for public or private assembly.

Renumber subsections (3) through (22) as one number higher, and add new subsection, as follows:

3.	Churches and Other Places of Worship	1 per 4 seats in public or private assembly up to 500 seats. 1 per 3 seats over 500 seats.

SECTION 3: Validity
All other sections, parts, and provisions of the Middle Paxton Township Zoning Ordinance of 2000, as amended, shall remain in full force and effect as previously enacted and amended.

SECTION 4: Severability
In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

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

DULY ENACTED AND ORDAINED, this 19th day of February, 2013, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF MIDDLE PAXTON

ATTEST: _____
(~~Assistant~~) Secretary

By: _____
Chairman

[TOWNSHIP SEAL]

Zoning Ordinance

Amendment December 15, 2008

(NEW) Section 1303. Animals and Animal Structure – Non-Commercial

The keeping of all animals for private use and enjoyment shall be permitted in the A-RR and R-1 Districts subject to the following provisions:

A. The keeping or raising of livestock or horses shall be limited to lots of at least (3) acres in area. Lots of (3) acres shall be limited to two (2) head of livestock or horses. Lots of 4 acres up to 10 shall allow 2 additional head of livestock or horses per acre. Livestock shall be considered those animals commonly raised on a farm in this area, such as cattle, sheep, pigs, horses, donkeys, mules, and goats.

B. The keeping or raising of poultry and furbearing animals, such as rabbits, shall be limited to lots of (1) acre in area or more. Lots of (1) acre shall be limited to (6) poultry or furbearing animals. Lots (2) acres up to (10) acres shall allow (6) additional fowl or furbearing animals per acre. Poultry and furbearing animals shall be considered those that are commonly raised in this area.

C. Any building used for the keeping and raising of livestock, horses, and furbearing animals or poultry shall be situated not less than 100 feet from any street line or residential property line.

D. Riding academies, livery or boarding stables and commercial dog kennels, are not included in this provision.

E. All buildings associated with this use, i.e. barns, sheds, and silos shall be permitted.

F. Where this use adjoins existing residential uses, buffering in accordance with this Ordinance shall be provided.

G. Adequate provisions shall be made for the control of noise and odor and the confinement of the animals to the property. (See Ordinance #33)

H. All storage of manure to be at least 100' from all property lines and wells. This also includes all watercourses, such as streams, tributaries, creeks, and rivers.

All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended.

DULY ENACTED AND ORDAINED this **15th** day of **December 2008**, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA

BY: _____
SERELL I. ULRICH, CHAIRMAN

BY: _____
MARY JANE DAVIS, SUPERVISOR

BY: _____
JEFFERY SMITH, VICE CHAIRMAN

BY: _____
RICHARD PEFFER, SUPERVISOR

BY: _____
J. THOMAS VAN WAGNER,
SUPERVISOR

ATTEST:

BY: _____
J. THOMAS VAN WAGNER,
SECRETARY

MAILING ADDRESS
P.O. BOX 277
DAUPHIN, PA 17018

OFFICE ADDRESS
1304 OVERLOOK ST.
DAUPHIN, PA 17018
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Middle Paxton Township

ZONING ORDINANCE AMENDMENTS

Approved 8/4/08

1. Site Development Plans-Amend to add EXCEPTION

Article 8 – Mixed Use District (MX)
Article 9 – Commercial Office District (C-O)
Article 10 – Commercial Industrial District (C-I)

(ADD) **Sections – 808.4, (MX) 906.4 (C-O), 1006.4 (C-I) – Exception**

A Site development plan is not required if a previous Land Development Plan, Subdivision Plan or Site Development plan for nonresidential building(s) or nonresidential uses have previously been approved by the Board of Supervisors and the proposed non residential use is a permitted use within the district it is located.

This exception does not preclude the applicant from submitting all additional information as requested by the Zoning Officer pursuant to the conformity of this Ordinance, and demonstrating that all other Township Codes and Ordinances will be strictly adhered to.

[redacted] Paragraph D (Specific Criteria) as a new paragraph 4 entitled Commercial Wind Energy Facilities.

4.1 Commercial Wind Energy Facilities

Commercial Wind Energy Facilities may be established upon approval of the Board of Supervisors. The following standards shall apply to all Commercial Wind Energy Facilities.

a. An applicant is encouraged to consult with Middle Paxton Township prior to conducting any site testing.

b. Conditional Use: A Commercial Wind Energy Facility shall be considered a conditional use in all Middle Paxton Township zoning districts except R2 and R3 wherein they will be prohibited.

c. Conditional Use Requirements

i. No Commercial Wind Energy Facility, or addition of a Wind Turbine to an existing Commercial Wind Energy Facility, shall be constructed or located within Middle Paxton Township unless a land development plan has been approved and recorded. All zoning and building permits shall be obtained.

ii. The Conditional Use application or amended application shall be accompanied with a fee in accordance with the Township fee schedule.

iii. Any physical modification to an existing approved Commercial Wind Energy Facility that materially alters the location, size, type or number of Wind Turbines or other equipment shall require a land development plan and/or building permit modification under this Ordinance.

iv. The applicant is responsible for documenting and presenting test data that certifies the site is suitable, and technically viable for the placement and operation of a Commercial Wind Energy Facility.

v. Documentation shall also be provided demonstrating compliance with subsections g, h, i and j herein.

d. Land Development Plan Application

All Commercial Wind Energy Facilities shall be submitted and reviewed in accordance with Middle Paxton Township Subdivision and Land Development Ordinance (SALDO) and fees established by the Township, paid accordingly. In addition

to section 306, 307 and 308 requirements in SALDO, the following information shall be submitted to the Township.

i. A narrative describing the proposed Commercial Wind Energy Facility, including an overview of the project; the project location; the generating capacity of the Wind Energy Facility; the number, representative types and height or range of heights of Wind Turbines to be constructed, including their regenerating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

ii. An affidavit or similar evidence of agreement between the property owner and the Commercial Wind Energy Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

iii. Identification of the properties on which the proposed Commercial Wind Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

iv. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associates transmission lines, and layout of all strictures within the geographical boundaries' applicable setback.

(a) Documents relating to decommissioning.

(b) Any other relevant studies, reports, certifications, and approvals as may be requested by the Middle Paxton Township Board of Supervisors to ensure compliance with this Ordinance.

e. Design and Installation

i. Design Safety Certification. The design of the Commercial Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, or other similar certifying organizations.

ii. Uniform Construction Code. The Commercial Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code as amended.

iii. Controls and Brakes. All Commercial Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic

over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. A stall regulator shall not be considered a sufficient braking system for over-speed protection.

iv. Electrical. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

v. Visual Appearance & Power Lines

(a) Wind Turbines shall be a non-obtrusive color such as white, off-white, or gray.

(b) Wind Turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(c) Wind Turbines shall not display advertising.

(d) On-site transmission and power lines between Wind Turbines shall, to the maximum extent possible, be placed underground.

vi. Warnings

(a) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(b) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wire and along the guy wire up to a height of 15 feet from the ground.

vii. Climb Prevention

(a) Wind Turbines shall not be climbable up to fifteen (15) feet above the ground surface.

(b) All access doors to Wind Turbines, electrical equipment and buildings shall be locked and fenced to prevent entry by non-authorized persons in compliance with Section 1414 herein.

viii. Distance between Turbines. Distance between Wind Turbines shall be the minimum distance allowed by the Wind Turbine manufacturer.

f. Setbacks

i. Occupied Buildings. Wind Turbines shall be set back from the nearest Occupies Building on participating and on-participating landowner's property a distance of 1.5 times the Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building of a Participating and Non-participating landowner.

ii. Property Lines. All Wind Turbines shall be set back from the nearest property line a distance of not less than 1.5 times the Turbine height.

iii. Public Roads. All Wind Turbines shall be setback from the nearest public road a distance of not less than 1.5 times the Turbine height, as measured from the right of way line of the nearest public road to the center of the Wind Turbine base.

iv. Wetlands. All Wind Turbines shall be setback a distance of two Hundred (200) feet from any wetlands with a contiguous area of one acre within Middle Paxton Township.

v. Exemption. Wind Turbine Facilities are exempt from property line setbacks from adjacent properties if the adjacent property contains a Commercial Wind Energy Facility or the adjacent property is a participant in the project through a land lease and/or wind access agreement.

g. Use of Public Roads

i. The applicant shall identify all state and local public roads to be used within Middle Paxton Township to transport equipment and parts during construction, operation or maintenance of the Commercial Wind Energy Facility.

ii. The township engineer or a qualified third party engineer hired by Middle Paxton Township and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document the road conditions again within thirty (30) days or as soon as weather permits after construction is completed.

iii. The Middle Paxton Township Board of Supervisors may require bonding of the road(s) by the applicant or owner in compliance with state regulations. Any road damage caused by the Contractors/Owner-Operator shall be promptly repaired at the Applicant's/Owner-Operator's expense.

h. Utility Access Drives. The utility access drives shall comply with the Subdivision and Land Development Ordinance of Middle Paxton Township.

i. Local Emergency Services

i. The Applicant/Owner-Operator shall provide a copy of the project summary and site plan to local emergency services as designated by the Township.

ii. Upon request, the Owner-Operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Commercial Wind Energy Facility and shall review/update annually said emergency plan for prevention, preparedness, and contingency planning and submit a copy of revised plans to the Township.

j. Noise and Shadow Flicker

i. Audible sound from a Wind Energy Facility shall not exceed forty-five (45) dBA for any measurable period of time when measured at any occupied building, including but not limited to any residence, school, church or public building existing on the date of approval of the Wind Energy Facility. Audible sound from a Commercial Wind Energy Facility shall not exceed FIFTY FIVE (55) dBA for any measurable period of time when measured at the property boundary of any non-participating landowner properties.

ii. The Facility Owner/Operator shall site the Wind Turbine to prohibit shadow or reflective flicker to any occupies building on Nonparticipating landowner's property.

iii. Waiver of Noise and Shadow Flicker

(a) Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.

(b) The written waiver shall notify the property owner(s) of the sound or flicker limited herein , describe the impact on the property owner(s), and state that consent is granted for the Wind Energy Facility to not comply with the sound or flicker limited in this Part.

(c) Any such waiver shall be recorded in the Dauphin County Recorder of Deeds Office. This waiver shall describe the properties benefited and burdened, and advise all subsequent purchases of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

k. Signal Interference

i. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference (EMI) in the link's operation.

ii. No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

iii. The Facility Owner and/or Operator will also utilize windmill industry standards to eliminate the impact, if any, of stray voltage and/or EMI on adjacent property.

l. Liability Insurance. Middle Paxton Township shall be named as Certificate holder with a 30 day notice of a policy cancellation. There shall be maintained a current general liability policy covering bodily injury and property damage with the limits of $2 million per occurrence and $2 million in the aggregate and $3 million in an excess or umbrella policy. Certificates shall be delivered to the Middle Paxton Township upon initiation of the facility and on occurrence of each policy renewal. Failure to maintain proper liability insurance is grounds for immediate cessation of turbine operation and commencement of decommissioning process.

m. Decommissioning

i. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Commercial Wind Energy Facility, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

ii. Decommissioning shall include removal of Wind Turbine, buildings, cabling, electrical components, roads, foundations to the depth of 36 inches, and any other associated facilities or structures.

iii. Upon removal, the land used by the removed Wind Turbine generator(s), which was cleared for the associated project and equipment will be restored in accordance with a plan to be submitted to and approved by the Township Engineer and the Dauphin County Soil Conservation Service.

iv. An independent and certified Professional Engineer shall be retained by the Facility Owner or Operator to estimate the total cost of decommissioning without regard to the salvage value of the equipment. The engineer shall also provide the estimated salvage value of the equipment. The net decommissioning cost is the total cost of decommissioning less the salvage value of the equipment. The total cost estimate shall also include restoration costs of the property as outlined in paragraph iii above. Said estimates shall be submitted to the Middle Paxton Township Board of Supervisors after the first year of operation and every fifth year thereafter.

v. The Facility Owner or Operator shall post and maintained Decommissioning Funds in an amount equal to net Decommissioning Costs, provided that at no point shall Decommissioning Funds be less than fifty (50%) percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution

chosen by the Facility Owner or Operator and participating landowners posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Middle Paxton Township Board of Supervisors. The decommissioning funds shall be posted prior to final plan approval and shall be updated with a new estimate every five years.

vi. Decommissioning Fund may be in the form of a performance bond, surety bond or other form of financial assurance as may be acceptable to the Middle Paxton Township Board of Supervisors.

vii. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six (6) months to complete decommissioning.

viii. If neither the Facility Owner or Operator, nor the landowner completes the decommissioning within the periods prescribed herein, Middle Paxton Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence for a participating landowner agreement to the Middle Paxton Township Board of Supervisors shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Middle Paxton Township Board of Supervisors may take such action as necessary to implement the decommissioning plan.

ix. The escrow agent shall release the decommissioning funds when the Facility Owner or Operator has demonstrated, and the Middle Paxton Township Board of Supervisors concurs, that decommissioning has been satisfactorily completed. A phased release of the security may occur upon written approval of the Middle Paxton Township Board of Supervisors as work is satisfactorily completed.

n. Facility Contact and Maintenance Response

i. The Facility Owner or Operator shall maintain on file with the Middle Paxton Township a phone number and name of a responsible contact person for contact 24 hours per day, 7 days per week throughout the life of the Project Facility.

ii. If there is a problem, the Facility Owner or Operator shall begin to correct the problem within 24 hours and have it corrected within 10 business days from the time the complaint or inquiry was received.

iii. If the problem has not been corrected within 10 business days the Township may, at its discretion, instruct the Facility Owner or Operator to shut down the affected Turbine Generator(s) until repair or correction is made to eliminate the problem.

DULY ENACTED AND ORDAINED this 4th day of August 2008, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA

BY: _____
SERELL I. ULRICH, CHAIRMAN

BY: _____
MARY JANE DAVIS, ~~VICE SUPERVISOR~~ Supervisor

BY: _____
JEFFERY SMITH, SUPERVISOR Vice Chairman

BY: _____
RICHARD PEFFER, SUPERVISOR

BY: _____
J. THOMAS VAN WAGNER,
SUPERVISOR

ATTEST:

BY: _____
J. THOMAS VAN WAGNER,
SECRETARY

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Middle Paxton Township

1/17/06

SPECIAL MEETING SUMMARY
STEEP SLOPE PROVISIONS

ZONING ORDINANCE -

Strike C & D of Section 1104 Zoning Ordinance
Strike all of section 1104 B Zoning Ordinance. (B-1, 2, 3, 4)
Add to Section 1104 A. Compute average Slope using the above formula on a lot by lot basis.

New Section 1104 B

Average Slope	Maximum Disturbed Area	Maximum Impervious Surface
12-14.99 %	40%	15%
15-19.99 %	25 %	15 %
20-24.99 %	15%	10 %

Over 25 % no construction

The above standards shall apply in all areas of the Township where the average slope is 12% or greater, such as to be considered a steep slope as defined in the Ordinance of Definitions.

Add to Section 1103 the phrase (in consultation with the Township Engineer).

Re letter all necessary Sections of Section 1104.

ORDINANCE OF DEFINITION

Change Severe Slope to Steep Slope in Ordinance of Definition.

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1/17/06

Middle Paxton Township

RIPARIAN CORRIDORS

ORDINANCE OF DEFINITION – Add the following definitions

Riparian Buffer Strip – A narrow strip of land along a stream, pond, lake quarry, or wetlands, including the 100-year floodplain, which contains or is replanted with native forest, shrubs and herbaceous species to stabilize erodable soils, improve surface and ground water quality, increase stream shading and enhance wildlife habitat.

Disturbance (Site) – Any activity involving the clearing, excavating, storing, grading, filling or transporting of soil, or any other activity which causes soil to be exposed to the danger of erosion.

ZONING ORDINANCE - Add the following new Section 1321

Section 1321- Riparian Buffer Strip

In all areas of the Township where streams or wetlands exist, a Riparian Buffer Strip, as defined in the Ordinance of Definition, shall be maintained.

A- Permitted uses.
Within the Riparian Buffer Strip the following uses/ activities shall be permitted:

1. Wildlife Sanctuaries, nature preserves, forest preserves, fishing areas, boat accesses and passive areas of Public parklands and reforestation.
2. Stream bank Stabilization.
3. Regulated activities permitted by the Commonwealth (e.g. permitted stream or wetland crossing or encroachment.)
4. Customary agricultural practices in accordance with a soil conservation plan approved by the Dauphin County Conservation District.
5. Forestry operations approved by the Dauphin County Conservation District.
6. Passive use such as campgrounds, picnic areas and golf courses.

7. Active recreation areas such as ball fields, playgrounds and courts provided that the uses are designed in a manner that will not permits a concentrated flow of stormwater or destroy existing stream bank vegetation unless proper mitigation and replanting of disturbed vegetation with native species occurs.

8. Installation of centralized sewer/water/utility lines when proposed as part of a subdivision. Proper mitigation and replanting of disturbed vegetation with native species is required.

9. Removal of noxious and invasive vegetation provided that the soil is not exposed to erosion.

10. Residential Accessory Structures less than 150 sq. feet in size.

B. PROHIBITED USES

Within the Riparian Buffer Strip the following uses shall be prohibited:

1. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a permitted use and where the effects of these actions are mitigated by re-establishment of native vegetation.

2. Sod Farming.

3. Parking Lots.

4. Storage of hazardous or noxious materials.

5. Site disturbance, which cause the soil to be exposed to the danger of erosion without proper mitigation.

C. GENERAL Regulation

1.) The riparian buffer strip shall include the 100-year floodplain, or be a minimum of 25 feet wide from the edge of the normal water level or wetland limits whichever is greater.

2.) Replanting of disturbed vegetation must be done utilizing native species as defined by DEP.

   a.) Replanting must be accomplished within 30 days of disturbance within the growing season. If outside the growing season stabilization must be done in accordance with applicable DEP regulations.

9/6/05 75.A

ZONING ORDINANCE AMENDENTS

1) Section 1316-Group Homes-Delete the 3-acre minimum lot area noted in Section 1316 H (1). The minimum lot area required in each district for a single family detached dwelling will be required for Group Homes.
2) Remove Group Homes as an allowed use in the Neighborhood Residential District- table 7 items #4.
3) Current Section Violations 1807 E will be deleted in its entirety with the attached new Section 1807 E inserted in its place.
4) Add Child Care Home as an allowed use in the ARR District.
5) Add Subsection G to Section 1503-non conforming uses to require submission and approval of a site development plan for non-residential uses and impose additional conditions and safeguards including a process for approval of the site development plan.
6) In table 3-1 create 1(a) to read keeping of livestock, minimum 3 acres and 1 (b) to read all other agricultural uses minimum 2 acres.
7) Add to Section 1313 B (1). Where existing building line is established on at least 50% of the properties in a block the required minimum front yard depth shall be the average of front yard depths for existing principal buildings in the same block. In measuring to determine said building line, open porches should not be construed as part of the building. On a corner lot, two front yards shall be provided.
8) A note will be added at the bottom of Tables 3,4,5,6,7 and 8 referencing Section 1313.
9) Add Section 1313 G (1) which states that the "Squaring off of non commercial structures will be permitted in all districts regardless of the distance to the property line provided that the new portion does not extend beyond the width and depth of the existing structure.
10) Add Section 1313 G (2) which states that construction of appendages to Existing Structures will be permitted in compliance with the following on existing lots less than minimum lot size required by the current Zoning Ordinance: M X District- minimum side yard's shall total no less than 15 feet in width, with no one side yard less than 5 feet in width, ARR and R-1 & R-2 Districts- minimum side yard's shall total no less than 30 feet in width, with no side yard less than 10 feet in width,R-3 District – minimum side yard's shall total no less than 15 feet in width, with no one side yard less than 5 feet in width – applicable to Single Family and Semi- Detached Housing only. Limited to 50% of original structure.
11) Change all references to "Public Sewer" in the Zoning Ordinance to "Centralized Sewer".
12) Amend Table 5-R-2 District to require a 1-acre minimum lot size when no Centralized Sewer with Public Water or no Centralized Sewer and no Public Water is present.

13) Amend Table 6 –R-3 District to allow for an 8,000 square foot minimum lot size when Centralized Sewer and Public Water are present. Use #'s 1,2,3,4,5,6, and 12.

14) Correct line 14 of Table 6 –last 4 columns is transposed.

15) Amend Table 6 R-3 District minimum street frontage requirement with Centralized Sewer and Public Water. -Reduce to 110 feet.

16) Change the reference reading "Street Frontage" to "Lot Width" in Table 3 & Table 4.

17) Add note to bottom of Table 3 that states- the width of any lot may be measured at a line parallel to the required Building set back or the right of way line.

18) Amend note 1 at bottom of table 4 to read in the same manner as note added to Table 3 in 22.

19) Add a second note to bottom of Table 3 & 4 indicating that flag lots may be created in accordance with the Middle Paxton Township S/D Ordinance Section 503 D (7).

20) Amend advertising requirement for Zoning Hearing Board in Section 1803 to comply with the MPC. Revise Article 18, Section 1803. (a.) As follows:
By publishing a notice once a week for two (2) successive weeks, not more than thirty days and no less than seven (7) days of such hearing, in a newspaper or general circulation in the Township. Such notice shall state the time and place of hearing and particular nature of the matter to be considered at the hearing.

21) Section 1706-Zoning Ordinance- Add the following- paving, if required, shall Consist of a minimum of 2" of binder course and 1" of wearing course in accordance with current Penn Dot paving specifications or equivalent with approval of the Township Engineer. The reduction of impervious surfaces through the use of interlocking pavers or other previous or Semi-pervious materials is strongly encouraged for areas such as community parking lots and parking areas for periodic uses.

22) Amend Section 1301-C to read "shall be permitted in a rear **and side yard** setback but no closer than ten feet".

9/6/05

Attachment to Ordinance 75.A.

The following replaces Section 1807 E of the Zoning Ordinance in its entirety.

Section 1807 E. Violations.

Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer shall serve written notice on the person committing or permitting such a violation by personal service or registered mail that they shall cease and desist such violation **upon the date specified.**

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.

2. Any enforcement notice shall state at least the following:

    a. The name of the owner of record and any other person against whom the municipality intends to take action.

    b. The location of the property in violation.

    c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the ordinance.

    d. The date before which steps for compliance must be commenced and the date before which the steps must be taken.

    e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days in accordance with procedures set forth in the Ordinance.

    f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

If said notice is not complied with and no appeal is filed with the Zoning Hearing Board, the Zoning Officer or other Township officer may take, in the name of the township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.

Any person, partnership or corporation who or which shall violate any provision of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than five hundred dollars ($500.00), plus all court costs, including reasonable attorney's fees incurred by the Township of Middle Paxton as a

result thereof. Each day that a violation continues shall constitute a separate violation hereof, unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation in which event there shall be deemed to have only one (1) such violation until the fifth day following the date of the District Justice's determination of a violation, and thereafter each day that a violation continues shall constitute a separate violation. All moneys collected for such violations shall be paid over to Township of Middle Paxton. Further, the appropriate officers or agents of the Township of Middle Paxton are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this chapter.

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Middle Paxton Township

ORDINANCE # 70 2/2/04

AN ORDINANCE AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE AS ENACTED NOVEMBER 2000, AUGUST 02, 2001, JANUARY 07, 2002 AND APRIL 07, 2003.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Middle Paxton, Dauphin County, under and by virtue of the authority contained in the Second Class Township Code, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

The Middle Paxton Township Zoning Ordinance is hereby amended as follows:

A. To add procedural requirements to Article 8 regarding the Mixed Use district by establishing requirements for a site development plan for non-residential uses and imposing additional conditions and safeguards including a process for approval of the site development plan. (See Article 8 attached in its entirety).

B. By amending Sections 1200 to 1204 of the Zoning Ordinance regarding the floodplain district and acknowledging the adoption of a single purpose, standalone floodplain ordinance with appropriate cross-references to land use requirements of the Floodplain Ordinance, which is designed and intended to comply with the federal and state floodplain management laws and regulations.

C. To add single family residential uses to the Mixed-Use District. *(See Table below).*

24.	Single Family Detached Dwelling	See Section 803	22,500 Sq. Ft. per dwelling unit	150 FT.	22,500 Sq. Ft. per dwelling unit	150 FT.	1 ACRE	150 FT.

D. To modify Section 1307.(B) from "glass clippings" to the following: "The incineration or reduction of garbage and green grass clippings".

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Middle Paxton Township

(Adopted with) 2/2/04

ORDINANCE # See Ordinance 70

AMENDMENTS TO MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE ADOPTED 2000

ARTICLE 8 - MIXED USE DISTRICT (MX)

The following new sections shall be added

Section 808 – Procedural Requirements.

Section 808.1 Approval Procedures

When a Land Development Plan or Subdivision plan is not required then in order that the Zoning Officer, Planning Commission and Governing Body may have a reasonable basis upon which to appraise a proposed **NON-RESIDENTIAL USE** for conformity to the requirements of this Ordinance, a site development plan must be filed and reviewed by the above. All applications for permits, pursuant to this Article which include construction or erection of a nonresidential building(s) or nonresidential uses, shall be submitted to the Zoning Officer who shall submit same to the Planning Commission for review and recommendations. Said Plan must be submitted twenty (20) days prior to Planning Commission meeting. Such review and recommendations shall then be submitted to the Township Supervisors for final action.

Section 808.2

Each application shall contain drawings showing the following :

1. Site Plan - Planned access, area and location of building(s), service and open areas, signage, screen plantings and other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

2. Site plan shall be scaled to (1" = 100').

3. Description of operation.

4. Demonstrate that adequate public facilities are available to serve the proposed use (e.g., fire, police, and ambulance protection, sewer, water, other utilities, and vehicular access.).

5. Proposed parking including unloading and loading areas. Parking, traffic and pedestrian access shall be in conformance with Article 17 and other applicable sections of this Ordinance. Number of shifts and employees per shift must be indicated.

6. The proposed use shall comply with those criteria specifically listed in the Specific Criteria and General Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

7. The use of this site complies with the requirements of any other public agency having jurisdiction over the proposed use.

8. Indicate programs to minimize noise, vibration, glare, fire hazards, air pollution and traffic in compliance with applicable regulations.

Section 808.3

1. **Additional Conditions and Safeguards.** The Board of Supervisors in approving Site Plan applications, may attach conditions necessary to protect the public welfare, including conditions which are more restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of the Ordinance and be subject to the penalties described in this Zoning Ordinance.

2. **Site Plan Approval.** Any site plan presented in support of the proposed use pursuant to this Section shall be an official part of the record for said use. Any subsequent change of use on the subject property not reflected on the originally approved site plan, shall require an amended site plan approval.

DULY ENACTED AND ORDAINED this 2nd day of Feb, 2004, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA

BY: _____
SERELL I. ULRICH, CHAIRMAN

BY: _____
MARY JANE C. DAVIS, VICE CHAIRPERSON

BY: _____
JEFFEREY SMITH, SUPERVISOR

BY: _____
RICHARD PEFFER, SUPERVISOR

BY: _____
J. THOMAS VAN WAGNER
SUPERVISOR

ATTEST:

BY: _____
J. THOMAS VAN WAGNER,
SECRETARY

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4/7/03

Middle Paxton Township

AMENDMENTS TO MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE ADOPTED 2000 - #6

Section 1441 B. 10. Conditional uses is hereby amended to read - The proposed use is compatible with the existing traffic conditions and adjacent uses.

ARTICLE 9 - Commercial and Office District (C-0)

The following new sections shall be added -

Section 906 – Procedural Requirements.

Section 906.1 Approval Procedures

When a Land Development Plan or Subdivision plan is not required then in order that the Zoning Officer, Planning Commission and Governing Body may have a reasonable basis upon which to appraise a proposed **Commercial** or **Industrial** use for conformity to the requirements of this Ordinance, a site development plan must be filed and reviewed by the above. All applications for permits, pursuant to this Article which include construction or erection of a nonresidential building(s) or nonresidential uses, shall be submitted to the Zoning Officer who shall submit same to the Planning Commission for review and recommendations. Said Plan must be submitted twenty (20) days prior to Planning Commission meeting. Such review and recommendations shall then be submitted to the Township Supervisors for review and recommendation.

Section 906.2

Each application shall contain drawings showing the following :

1. Site Plan - Planned access, area and location of building(s), service and open areas, signage, screen plantings and other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

2. Site plan shall be scaled to (1" = 100').

3. Description of operation.

4. Demonstrate that adequate public facilities are available to serve the proposed use (e.g., fire, police, and ambulance protection, sewer, water, other utilities, and vehicular access.).

5. Proposed parking including unloading and loading areas. Parking, traffic and pedestrian access shall be in conformance with Article 17 and other applicable sections of this Ordinance. Number of shifts and employees per shift must be indicated.

6. The proposed use shall comply with those criteria specifically listed in the Specific Criteria and General Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

7. The use of this site complies with the requirements of any other public agency having jurisdiction over the proposed use.

8. Indicate programs to minimize noise, vibration, glare, fire hazards, air pollution and traffic in compliance with applicable regulations.

Section 906.3 ✓

1. **Additional Conditions and Safeguards.** The Board of Supervisors in approving Site Plan applications, may attach conditions necessary to protect the public welfare, including conditions which are as restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of the Ordinance and be subject to the penalties described in this Zoning Ordinance.

2. **Site Plan Approval.** Any site plan presented in support of the proposed use pursuant to this Section shall be an official part of the record for said use. Any subsequent change of use on the subject property not reflected on the originally approved site plan, shall require an amended site plan approval.

ARTICLE 10 - Commercial and Industrial District (C-I)

The following new sections shall be added -

Section 1006 – Procedural Requirements.

Section 1006.1 Approval Procedures

When a Land Development Plan or Subdivision plan is not required then in order that the Zoning Officer, Planning Commission and Governing Body may have a reasonable basis upon which to appraise a proposed **Commercial** or **Industrial** use for conformity to the requirements of this Ordinance, a site development plan must be filed and reviewed by the above. All applications for permits, pursuant to this Article which include construction or erection of a nonresidential building(s) or nonresidential uses, shall be submitted to the Zoning Officer who shall submit same to the Planning Commission for review and recommendations. Said Plan must be submitted twenty (20) days prior to Planning Commission meeting. Such review and recommendations shall then be submitted to the Township Supervisors for review and recommendation.

Section 1006.2

Each application shall contain drawings showing the following :

1. Site Plan - Planned access, area and location of building(s), service and open areas, signage, screen plantings and other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

2. Site plan shall be scaled to (1" = 100').

3. Description of operation.

4. Demonstrate that adequate public facilities are available to serve the proposed use (e.g., fire, police, and ambulance protection, sewer, water, other utilities, and vehicular access.).

5. Proposed parking including unloading and loading areas. Parking, traffic and pedestrian access shall be in conformance with Article 17 and other applicable sections of this Ordinance. Number of shifts and employees per shift must be indicated.

6. The proposed use shall comply with those criteria specifically listed in the Specific Criteria and General Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

7. The use of this site complies with the requirements of any other public agency having jurisdiction over the proposed use.

8. Indicate programs to minimize noise, vibration, glare, fire hazards, air pollution and traffic in compliance with applicable regulations.

X **Section 1006.3**

1. **Additional Conditions and Safeguards.** The Board of Supervisors in approving Site Plan applications, may attach conditions necessary to protect the public welfare, including conditions which are as restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of the Ordinance and be subject to the penalties described in this Zoning Ordinance.

2. **Site Plan Approval.** Any site plan presented in support of the proposed use pursuant to this Section shall be an official part of the record for said conditional use. Any subsequent change of use on the subject property not reflected on the originally approved site plan, shall require an amended site plan approval.

DULY ENACTED AND ORDAINED this 7th day of April, 2003, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA

BY: _____
JEFF SMITH, CHAIRMAN

BY: _____
SERELL I. ULRICH, VICE CHAIRMAN

BY: _____
RICHARD PEFFER, SUPERVISOR

BY: _____
MARY JANE C. DAVIS, SUPERVISOR

ATTEST:

BY: _____
J. THOMAS VAN WAGNER,
SECRETARY/ SUPERVISOR

1/7/02

DAUPHIN COUNTY, PENNSYLVANIA

AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE

WHEREAS, the Township adopted the current Zoning Ordinance on November 6, 2000; and

WHEREAS, the current zoning ordinance contains a Table 3-2 which provides the density requirements for residential development in the Agricultural and Rural Residential District (A-RR).

WHEREAS, the inclusion of Table 3-2 in the final draft of the Zoning Ordinance was in error and an amendment to the Zoning Ordinance is necessary to remove Table 3-2 from the current Zoning Ordinance.

NOW, THEREFORE BE IT ENACTED, and it is hereby enacted, by the Township Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

Section 1. Section 305(A) of the Zoning Ordinance is amended to remove any reference to Table 3-2 to provide as follows:

Section 305. Standards for Conventional Residential Development.

A. Table 3-1 shows uses permitted and special exception uses and lot area requirements for conventional residential development.

Section 2. The Zoning Ordinance is amended to remove Table 3-2 from the Zoning Ordinance.

ADOPTED JANUARY 7, 2002

ATTEST: TOWNSHIP OF MIDDLE PAXTON
BOARD OF SUPERVISORS

BY: _____
SECRETARY

BY: _____
CHAIRMAN

_____
SUPERVISOR

_____
SUPERVISOR

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA
ORDINANCE 58

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE PAXTON,
DAUPHIN COUNTY, PENNSYLVANIA
AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE

WHEREAS, the Township adopted the current Zoning Ordinance on November 6, 2000; and

WHEREAS, the Township intended that "Municipal Buildings and Uses" were to be a permitted use, not a special exception use, in the Medium Density Residential District (R-2); and

WHEREAS, an amendment to the Zoning Ordinance is necessary to provide that "Municipal Buildings and Uses" are permitted uses in the Medium Density Residential District (R-2).

NOW, THEREFORE BE IT ENACTED, and it is hereby enacted, by the Township Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

Section 1. Section 502 and Table 5 of the Zoning Ordinance are amended to include a new Use #12, providing that "Municipal Buildings and Uses" are permitted as permitted uses in the Medium Density Residential District (R-2). Table 5 is also amended to provide that "Public Uses and Buildings" continue to be permitted by special exception in the Medium Density Residential District (R-2) pursuant to Section 1432, except as noted in Use #12 of Table 5. OK

ENACTED this 2d day of August, 2001.

Article 1 **Short Title, Purpose, Interpretations and Definitions** 1-1

Section 100 Short Title 1-1
Section 101 Purposes of Ordinances 1-1
Section 102 Interpretation 1-1
Section 103 Municipality Liability 1-1
Section 104 Community Development Objectives 1-1
Section 105 Definitions 1-3

Article 2 **Designation of Districts** 2-1

Section 200 Designation of Districts 2-1
Section 201 Zoning Map 2-1
Section 202 District Boundaries 2-1
Section 203 Interpretation of Boundaries 2-1
Section 204 Use Adjustment on District Boundaries 2-1
Section 205 Application of Regulations 2-2

Article 3 **A-RR - Agricultural and Rural Residential District** 3-1

Section 300 Purpose 3-1
Section 301 Area of Application 3-1
Section 302 Use and Lot Requirements 3-1
Section 303 Building Height Limit 3-1
Section 304 Lot Coverage 3-1
Section 305 Standards for Conventional Residential Development 3-2
Section 306 Manure Storage Facilities 3-2
Section 307 Buffers and Screening 3-2
Section 308 Sale of Agricultural Products 3-2

Article 4 **R-1 - Low Density Residential District** 4-1

Section 400 Purpose 4-1
Section 401 Area of Application 4-1
Section 402 Use and Lot Requirements 4-1
Section 402 Building Height Limit 4-1
Section 403 Lot Coverage 4-1
Section 404 Standards for Conventional Residential Development 4-1
Section 405 Standards for Open Space Residential Development 4-2
Section 406 Buffers and Screening 4-5

Article 5 **R-2 - Medium Density Residential District** 5-1

Section 500 Purpose 5-1
Section 501 Area of Application 5-1
Section 502 Use and Lot Requirements 5-1
Section 503 Setbacks and Yards; Parking; Streets; Location 5-1
Section 504 Building Height Limit 5-2
Section 505 Lot Coverage 5-2

Article 6 R-3 - High Density Residential District 6-1

Section 600 Purpose 6-1
Section 601 Area of Application 6-1
Section 602 Use Requirements 6-1
Section 603 Setbacks and Yards; Parking; Streets; Location 6-1
Section 604 Building Height Limit 6-2
Section 605 Lot Coverage 6-2
Section 606 Buffers and Screening 6-2

Article 7 N-R - Neighborhood Residential District 7-1

Section 700 Purpose 7-1
Section 701 Area of Application 7-1
Section 702 Use and Lot Requirements 7-1
Section 703 Setbacks, Yards, Parking, and Streets 7-1
Section 704 Building Height Limit 7-2
Section 705 Lot Coverage 7-2
Section 706 Buffers and Screening 7-2

Article 8 MX - Mixed Use District 8-1

Section 800 Purpose 8-1
Section 801 Area of Application 8-1
Section 802 Use and Lot Requirements 8-1
Section 803 Setbacks, Yards, Parking, and Streets 8-1
Section 804 Building Height Limit 8-2
Section 805 Lot Coverage 8-2
Section 806 Signs 8-2
Section 807 Utilities 8-2

Article 9 C-O - Commercial and Office District 9-1

Section 900 Purpose 9-1
Section 901 Area of Application 9-1
Section 902 Use and Lot Area Requirements 9-1
Section 903 Setbacks, Buffers and Screening, Interior Yards, and Streets 9-1
Section 904 Building Height Limit 9-2
Section 905 Lot Coverage 9-2

Article 10 C-I - Commercial and Industrial District 10-1

Section 1000 Purpose 10-1
Section 1001 Area of Application 10-1
Section 1002 Use and Lot Area Requirements 10-1
Section 1003 Setbacks and Yards; Buffer Yards 10-1
Section 1004 Building Height Limit 10-1
Section 1005 Lot Coverage 10-2

Article 11 SSP - Steep Slope Protection District 11-1

Section 1100 Purpose 11-1
Section 1101 Boundary Definition of Steep Slope Protection Overlay District 11-2
Section 1102 Steep Slope Protection District Overlay Concept 11-2
Section 1103 Boundary Interpretation and Appeals Procedures 11-2
Section 1104 Land Use and Development Regulations 11-2
Section 1105 Uses Permitted Within Steep Slope Protection District 11-4

Article 12 FP - Floodplain District 12-1

Section 1200 General Provisions 12-1
Section 1201 Establishment of Zoning District 12-2
Section 1202 District Provisions 12-3
Section 1203 Special Exceptions - Factors to be Considered 12-5
Section 1204 Existing Structures in Floodplain Districts 12-6

Article 13 Supplemental Regulations 13-1

Section 1300 Performance Standards for all Uses 13-1
Section 1301 Accessory Structures 13-1
Section 1302 Fences and Walls 13-2
Section 1303 Animals and Animal Structure - Non-Commercial 13-3
Section 1304 General Buffer and Screening Regulations 13-3
Section 1305 Height Adjustments 13-7
Section 1306 Habitable Floor Area 13-7
Section 1307 Prohibited Uses 13-7
Section 1308 Swimming Pools 13-7
Section 1309 Unenclosed Storage 13-8
Section 1310 Uses Not Provided For 13-8
Section 1311 Uses with Nuisance Effect 13-8
Section 1312 Waste and Sewage Disposal 13-9
Section 1313 Yard Adjustment Regulations 13-9
Section 1314 Agriculture and Animal Husbandry 13-10
Section 1315 Exotic Wildlife 13-11
Section 1316 Group Homes 13-11
Section 1317 Non-Conforming Nonresidential Uses Abutting Residential Uses 13-12
Section 1318 Resorts 13-13
Section 1319 Accessory Apartments 13-13

Article 14 Specific Criteria, Special Exceptions, and Conditional Uses 14-1

Section 1400 Special Exceptions 14-1
Section 1401 Procedures 14-1
Section 1402 Plan Required 14-1
Section 1403 General Standards for Special Exceptions 14-1
Section 1404 Additional Conditions 14-3
Section 1405 [VACANT] 14-4
Section 1406 Accessory Day Care 14-4
Section 1407 Adult Regulated Facility 14-5
Section 1408 Airports, Heliports, and Helistops 14-5

Section 1409 Automobile Body Shop (Autos, Trucks, or any type of vehicle) 14-7
Section 1410 Automobile Garage, Major 14-8
Section 1411 Bed and Breakfast Homes and Bed and Breakfast Inns 14-8
Section 1412 Child Care Center 14-9
Section 1413 Child Care Homes 14-10
Section 1414 Communication Towers and Antenna 14-10
Section 1415 Confined Livestock Operations 14-14
Section 1416 Convenience Store without Gas Dispensing 14-16
Section 1417 Convenience Store with Gas Dispensing 14-16
Section 1418 Domiciliary Care Unit 14-18
Section 1419 Drive-In Facilities for Permitted Uses 14-18
Section 1420 Emergency Medical Treatment Facilities 14-19
Section 1421 Golf Courses 14-19
Section 1422 Group Day Care Homes 14-20
Section 1423 Group Quarters 14-21
Section 1424 Home Occupations 14-21
Section 1425 Junkyards 14-22
Section 1426 Kennels 14-23
Section 1427 Libraries 14-23
Section 1428 Mobilehome Parks 14-24
Section 1429 Natural Production Uses 14-24
Section 1430 Private and Semi-Public Outdoor Recreation Areas 14-29
Section 1431 Public and Non-Public Schools 14-29
Section 1432 Public Uses and Buildings 14-30
Section 1433 Riding Academies and Boarding Stables 14-30
Section 1434 School, Commercial 14-31
Section 1435 Skeet, Rifle, or Archery Range 14-32
Section 1436 Solid Waste Processing and/or Disposal Facilities 14-32
Section 1437 Special Occasion Home 14-34
Section 1438 Race Tracks 14-35
Section 1439 Power Generation Facilities 14-34
Section 1440 Sale of Agricultural Products 14-37
Section 1441 Conditional Uses 14-37

Article 15 Nonconforming Uses and Buildings 15-1

Section 1500 Continuation 15-1
Section 1501 Existing Nonconforming Lots of Record 15-1
Section 1502 Alterations and Reconstruction 15-1
Section 1503 Extensions, Expansions, and Enlargements 15-1
Section 1504 Change of Use 15-2
Section 1505 Abandonment and Discontinuance 15-2
Section 1506 Registration 15-2

Article 16 Signs 16-1

Section 1600 Purpose 16-1
Section 1601 Permitted Permanent Signs 16-1
Section 1602 Permitted Temporary Signs 16-5
Section 1603 Prohibited Signs 16-8
Section 1604 General Regulations for All Signs 16-8

Section 1605 Billboards and Outdoor Advertising 16-9
Section 1606 Permits 16-10
Section 1607 Removal of Unpermitted Signs 16-11
Section 1608 Nonconforming Signs 16-11
Section 1609 Marquees and Canopies 16-11
Section 1610 Signs on Nonconforming Structure 16-11

Article 17 Off-Street Parking and Loading 17-1

Section 1700 General Parking Regulations 17-1
Section 1701 Facilities Required 17-1
Section 1702 Large Parking Areas 17-5
Section 1703 Access 17-5
Section 1704 Residential Driveway Regulations 17-5
Section 1705 Non-Residential Access Drive Requirements 17-6
Section 1706 Drainage and Surfacing 17-7
Section 1707 Joint Facilities 17-7
Section 1708 Control of Off-Site Facilities 17-7
Section 1709 Off-Street Loading Requirements 17-7
Section 1710 Handicapped Parking 17-9
Section 1711 Fire Lanes 17-9

Article 18 Administration and Enforcement 18-1

Section 1800 Building Permits 18-1
Section 1801 New Structure or Changed Uses of a Structure or Land 18-1
Section 1802 Appeals 18-2
Section 1803 Hearings 18-2
Section 1804 Township Supervisors - Powers and Duties 18-5
Section 1805 Planning Commission - Powers and Duties 18-6
Section 1806 Zoning Hearing Board - Powers and Duties 18-6
Section 1807 Zoning Officer - Power and Duties 18-11
Section 1808 Township Engineer - Powers and Duties 18-13
Section 1809 Amendments 18-13
Section 1810 Enforcement, Penalty, and Remedy 18-17
Section 1811 Interpretation 18-19
Section 1812 Validity 18-19
Section 1813 Repealer 18-19
Section 1814 Adoption 18-20

Section 100. Short Title

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

Section 101. Purposes of Ordinance

This Ordinance is enacted for the following purposes:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as fire protection.

B. To prevent one or more of the following: overcrowding, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

C. This Ordinance is enacted as part of the overall plan for the orderly growth and development of Middle Paxton Township and as such it is an integral part of the Middle Paxton Township Comprehensive Plan.

Section 102. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions or covenants, the most restrictive of that imposing the higher standards shall govern.

Section 103. Municipality Liability

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

Section 104. Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Middle Paxton Township. As such, this Ordinance is based upon the expressed or implied community development goals and objectives as contained in the Middle Paxton Township Comprehensive Plan of 1998, which are as follows:

Highways, Interchanges and Circulation Systems

1. Encourage the retention of the rural characteristics of the present circulation system.

   A. Develop a plan that does not dramatically increase traffic or development.

B. Minimize development/traffic on local and secondary roads.
C. Maintain neighborhood values by controlling local traffic.
D. Focus development on limiting traffic and access.
E. Design existing and proposed local roads to discourage through traffic.
F. Focus development, through zoning, at interchanges rather than on frontage roads.
G. Reserve PA Route 325 area for green space and allow for the continuation of development along PA Route 225.
H. Avoid typical suburban strip malls.

2. Preserve environmentally sensitive areas when expanding roads and developing areas in Township.

A. Limit road placement in steep-sloped areas to avoid stormwater run-off.
B. Budget resources to preserve natural landscape features, such as trees, maintain/develop natural sound barriers along roadways. Develop tree planting programs.
C. Enhance the entrances to the Township with additional landscaping, signs and trees.

3. Improve coordination with PennDOT on state roads within the Township.

A. Repair of State-maintained roads.
B. Encourage certain restrictions, such as load limits on secondary roads (PA Route 325). Have Township take leadership role in working with the State to enforce such restrictions.
C. Limit billboards in the Township through proper sign regulations.

4. Encourage the expansion of public transportation opportunities in planning for future road capacity, particularly during construction of U.S. Routes 22/322, such as the addition of bus lanes and commuter rail.

5. Develop hiking/biking trails adjacent to suitable roads and enforce reasonable traffic speed limits. Use trails to connect the parks.

Community Character/Historic Preservation/Land Use/Agricultural and Natural Features

6. Formulate a balanced plan designed to maintain the highest level of open and natural space preservation possible within a legally defensible plan.

A. Implement the plan with a legally defensible zoning ordinance; clearly determine areas for certain types of development.
B. Continue to develop as a "bedroom" community.
C. Restrict large-scale commercial development and shopping malls.
D. Develop small community/village service-oriented commercial businesses.
E. Encourage the placement of reasonable restrictions against high density development by private landowners; provide zoning incentives to encourage these.
F. Encourage commercial development to focus on the needs of the local population.

7. Consider design guidelines for historic resources and zoning techniques for preservation.

8. Encourage Dauphin County to develop/budget for a Purchase of Development Rights Program for farmland, using Middle Paxton Township as a pilot project area.

9. Research programs in other counties and request assistance from the County.

Community Facilities/Municipal Services/Utility Systems

10. Develop public facility planning (sewer, water, regional police, fire protection and emergency services).

11. Develop higher density residential in areas of existing facilities and encourage intergovernmental cooperation.

Open Space and Recreation

12. Develop a plan to determine when developer fees should be required in lieu of recreation land being dedicated.

13. Develop a diversified system of open space, natural areas, parks and recreational facilities which are intended to satisfy the needs and interests of the majority of the Township population sectors and contribute to their healthy physical, cultural, and social growth.

14. Maintain existing recreational trails and develop a plan for additional trails for public use.

15. Coordinate with PennDOT/railroads to develop access for future rail-trails; develop access along waterways.

16. Promote acquisition of land for recreational use (purchase, donations, legacies).

Municipal Administration

17. Anticipate and plan for the needs of the Township government to provide the level of service required by the residents and businesses of the Township.

18. Monitor growth and development in the Township.

Section 105. Definitions

Refer to Ordinance of Definition

Section 200. Designation of Districts

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

A-RR	Agricultural and Rural Residential District
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
N-R	Neighborhood Residential District
MX	Mixed Use District
C-O	Commercial and Office District
C-I	Commercial and Industrial District
SSP	Steep Slope Protection District
FP	Floodplain District

Section 201. Zoning Map

The locations and boundaries of said districts shall be as shown upon the map attached to and made part of this Ordinance which map shall be designated "Zoning Map". The said map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Section 202. District Boundaries

The boundaries between districts are as shown by lines properly identified as District Boundary Lines and shown on the Zoning Map. Where uncertainty exists as to boundaries of any districts as shown on said map, the following rules shall apply:

A. District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads; and lot or property lines as they exist on plans of record at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than twenty feet (20') therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

Section 203. Interpretation of Boundaries

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

Section 204. Use Adjustment on District Boundaries

In unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

A. The use in a less restricted district may extend over the portion of the lot in the more restricted district a distance of, not more than fifty feet (50') beyond the district boundary line providing such extension does not extend the frontage of the less restricted district along a street.

B. The frontage of the less restricted district may extend over the portion of the lot in the more restricted district a distance of not more than fifty feet (50') beyond the district line providing a special exception is granted by the Zoning Hearing Board.

Section 205. Application of Regulations

Except as herein provided:

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformance with the regulations herein specified for the district in which it is located.

B. No building shall hereafter be erected, altered or moved:

1. That would exceed the height;
2. That would accommodate or house a greater number of families;
3. That would occupy a greater percentage of lot area;
4. That would have narrower, smaller rear yards, side yards or front yards;
5. That would provide less than the minimum habitable floor area than is specified herein for the district in which such building is located.

Section 300. Purpose

The purpose of the A-RR - Agricultural and Rural Residential District is to permit, protect, and encourage the continued use of the land therein for agricultural or silviculture uses while also permitting residential development. Districts designated for A-RR - Agricultural and Rural Residential are to be used for farming, residential and accessory uses until a logical demand occurs for urban-type development in general conformance to the current Comprehensive Plan. This district may accommodate schools, churches, parks and residential uses under certain conditions. This district is established in areas where agriculture is the most prominent use, in areas where no utilities exist, accessibility is difficult, in areas of unique natural beauty or in areas which are presently undeveloped, to conserve the existing character of such areas and to provide for rural residential and agricultural uses. The preservation of open spaces and environmentally sensitive areas should be encouraged.

Section 301. Area of Application

The following regulations shall apply to the areas designated A-RR - Agricultural and Rural Residential District on the Zoning Map.

Section 302. Use and Lot Requirements

Table 3 shows permitted, special exception, and conditional uses, and the lot area requirements for the A-RR District.

Section 303. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height, except for silos.

Section 304. Lot Coverage

Not more than twenty percent (20%) of the lot area shall be occupied by buildings, and no more than forty percent (40%) shall be occupied by impervious surface.

Section 305. Standards for Conventional Residential Development

A. Table 3-1 shows uses permitted and special exception uses and lot area requirements for conventional residential development. Table 3-2 provides density requirements for residential development in the A-RR District.

B. Setbacks

Each lot shall meet front, side, rear and interior yard setback requirements not less than the depth or width as follows unless noted otherwise on the attached chart:

1. Front Yard Setback - Forty feet (40')
2. Side Yard Setback - Twenty-five feet (25')
3. Rear Yard Setback - Thirty-five feet (35')
4. Driveway Setback - Three feet (3') from side lot line.

Section 306. Manure Storage Facilities

Manure storage facilities, as an accessory use to a farm shall be subject to the following regulations:

A. All manure management practices and operations shall comply with the provisions set forth in the *Nutrient Management Act of 1993*, or as amended.

B. All waste storage facilities' designs shall be reviewed by the Dauphin County Conservation District. The applicant shall furnish a letter from the conservation District attesting to approval of the design of the proposed facility; and,

C. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Dauphin County Conservation District.

D. Storage of manure, or odor or dust-producing substance shall not be permitted within two hundred (200) feet of a nonfarm district boundary nor a nonfarm residence.

Section 307. Buffers and Screening

Buffers and screening shall be provided in accordance with the requirements contained in Section 1304.

Section 308. Sale of Agricultural Products

Roadside stands may be permitted as an accessory use for the sale of agricultural products subject to the following criteria:

A. Any structure used to display agricultural products shall not exceed two thousand (2,000) square feet in size and shall be located at least twenty-five feet (25') from any property line.

B. At least one half of the products displayed for sale must have been produced on the premises.

C. Off-street parking shall be provided for at least three (3) vehicles.

D. Only one sign is permitted subject to the following criteria:

1. Size - Shall not exceed six (6) square feet.

2. Height - Shall not exceed five (5) feet in height.

3. Display - Shall only be displayed when roadside stand is open for business.

TABLE 3 -1
A-RR - AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT

Use #	A-RR - Agricultural and Rural Residential District	Front Yard 1	Rear Yard 1	Side Yard 1	Minimum	
		Minimum Setback			Lot Size	Street Frontage
	PERMITTED USES					
1.	Agriculture	40FT.	35FT.	25FT.	2 ACRES	200 FT.
2.	Single Family Detached Dwelling	40FT.	35FT.	25FT.	2 ACRES	200 FT.
3.	Clubs, Loges and Fraternal Organizations	40FT.	35FT.	25FT.	2 ACRES	200 FT.
4.	Veterinary	40FT.	35FT.	25FT.	2 ACRES	200FT.
5.	Signs	See Article 16				
6.	Camps and Campgrounds	40FT.	35FT.	25FT.	2 ACREAS	200 FT.
7.	Natural Production Uses	40FT.	35FT.	25FT.	See Article 1429	
8.	Public and Private Parks and Recreation Areas	40FT.	35FT.	25FT.	1 ACRE	200FT.
9.	Resorts 1	40 FT.	35 FT.	25 FT.	50 ACRES	200 FT.
10.	Mobile Homes - Permanent	40 FT.	35 FT.	25 FT.	2 ACRES	200 FT.
11.	Mobile Homes - Temporary	40 FT.	35 FT.	25 FT.	2 ACRES	200 FT.
12.	Accessory Buildings and Structures	See Section 1301				
13.	Group Homes	40 FT.	35 FT.	25 FT.	2 ACRES	200 FT.
14.	Accessory Agricultural Uses	40 FT.	35 FT.	25 FT.	N/A	N/A
15.	Cemetery	75 FT.	35 FT.	75 FT.	5 ACRES	300 FT.
16.	House of Worship	40 FT.	35 FT.	25 FT.	3 ACRES	200 FT.
17.	Accessory Apartments	Setback per primary use - Single Family Detached Dwelling.			Per Primary Use - Single Family Detached Dwelling	
	SPECIAL EXCEPTIONS					
18.	Kennel	150 FT.	150 FT.	150 FT.	5 ACRES	200 FT.
19.	Mobile Home Parks	See Municipal Subdivision and Land Development Ordinance and Mobile Home Park Regulations and Section 1426.				
20.	Skeet, Rifle, or Archery Range	150 FT.	150 FT.	150 FT.	5 ACRES	200 FT.
21.	Bed and Breakfast Inn	40 FT.	50 FT.	25 FT.	3 ACRES	200 FT.
22.	Bed and Breakfast Home	40 FT.	50 FT.	25 FT.	3 ACRES	200 FT.
23.	Special Occasion Home	40 FT.	50 FT.	25 FT.	5 ACRES	200 FT.
24.	Riding Academy or Boarding Stable	150 FT.	150 FT.	150 FT.	5 ACRES	200 FT.
25.	Airport/Heliport/Helistop	See Section 1408				
26.	Public and Non-public Schools	40 FT.	50 FT.	25 FT.	5 ACRES	200 FT.
27.	Domiciliary Care Unit	40 FT.	50 FT.	25 FT.	3 ACRES	200 FT.
28.	Confined Livestock Operations	See Section 1415				

Use #	A-RR - Agricultural and Rural Residential District	Front Yard [1]	Rear Yard [1]	Side Yard [1]	Minimum	
		Minimum Setback			Lot Size	Street Frontage
	SPECIAL EXCEPTIONS (Cont'd.)					
29.	Accessory Day Care	Setback per primary use - House of Worship/Non-public School			See House of Worship/Non-Public School	
30.	Home Occupation	Setback per primary use - House of Worship/Non-public School			See Section 1424	
31.	Communication Towers and Antenna	See Section 1414				
32.	Golf Courses	See Section 1421				
33.	Public Uses and Buildings	See Section 1432				
	CONDITIONAL USES					
34.	Public Utility Structures and Buildings	40 FT.	50 FT.	25 FT.	See Section 1441	
35.	Hospital	40 FT.	50 FT.	25 FT.	See Section 1441	

Notes [1] Refer to **Zoning Ordinance** Section 1318, - Supplemental Regulations.

TABLE 3 -2
DENSITY REQUIREMENTS FOR CONVENTIONAL RESIDENTIAL DEVELOPMENT IN THE A-RR DISTRICT

Parcel Size	No. Units Allowed	Density
1.00 acres	1	1.0
1.01 to 2.99 acres	2	1.5
3.00 to 5.99 acres	3	2.0
6.00 to 9.99 acres	4	2.5
10.00 to 14.99 acres	5	3.0
over 15 acres	5 plus 1 unit for each 3.0 acres over 15 acres	3.0

Section 400. Purpose

The purpose of the R-1 - Low Density Residential District is to permit detached residential development. This district will provide for the orderly expansion of residential development in those areas where public services are adequate and exclude uses not compatible with such residential development. The preservation of open spaces and environmentally sensitive areas should be encouraged.

Section 401. Area of Application

The following regulations shall apply to the areas designated R-1 - Low Density Residential District on the Zoning Map.

Section 402. Use and Lot Requirements

Table 4 shows permitted, special exception, and conditional uses, and the lot area requirements for the R-1 District.

Section 403. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height.

Section 404. Lot Coverage

Not more than thirty percent (30%) of the lot area shall be occupied by buildings, and no more than fifty percent (50%) shall be occupied by impervious surface, except for open space development where no more than fifty percent (50%) of lot area shall be occupied by buildings, and no more than sixty-five percent (65%) shall be occupied by impervious surface.

Section 405. Standards for Conventional Residential Development

A. Table 4 shows uses permitted, special exception, and conditional uses, and the lot area requirements for conventional residential development. The maximum density for residential development shall be one dwelling unit per acre.

B. Setbacks

Each lot shall meet front, side, rear setback and area requirements not less than the depth or width as follows unless noted otherwise on Table 4.

(1) Front Yard Setback - Forty feet (40')

(2) Each Side Setback - Twenty-five (25')

(3) Rear Setback - Twenty-five feet (25')

(4) Driveway Setback - Three feet (3') from side lot line.

Section 406. Standards for Open Space Residential Development

A. In the R-1 - Low Density Residential District, it shall be optional to subdivide a parcel of land 15 acres or greater into parcels for development as open space residential development.

B. General

1. Minimum Parcel Size - 15 Acres. Only single family detached residential development may be designed pursuant to the standards of this Section.

2. Utility Requirements - None

C. Design Standards

1. Density Requirements

The maximum number of dwelling units permitted using open space design shall be determined by using the following formula:

[Maximum number of dwelling units = net tract area divided by 43,560 Sq. Ft.]

The net tract area shall be calculated using the following formula:

Total Tract area:

- existing road
- 50% of environmentally sensitive areas (floodplains, wetlands, slopes >12%)
- 10% of total tract area (for future roads and stormwater management facilities)

= Net Tract Area

2. Lot Area Requirements

(a) Minimum Lot Area - 20,000 square feet.
(b) Minimum Lot Width - 100 feet at the lot frontage, and if along the turnaround of a cul-de-sac, 80 feet at the lot frontage.
(c) Minimum Lot Depth - 150 feet.

3. Setback Requirements

(a) Minimum Front Setback - Thirty feet (30') except when along major and minor arterial type roadways as designated and set forth in the Middle Paxton Township Comprehensive Plan, when such setback shall be fifty feet (50').
(b) Minimum Side Setback - Fifteen feet (15'). There shall be two (2) side yards.
(c) Minimum Rear Setback - Thirty feet (30'). There shall be a rear yard.

4. Location of Lots

(a) Residential lots shall be laid out according to the following:

(1) In the least visible areas, such as at the end of a long field or along a hedgerow or stand of trees.

(2) In locations least likely to block or interrupt scenic vistas or viewsheds, as seen from a public roadway.

(b) To the greatest extent possible, residential developments shall have single loaded streets as defined in the Ordinance of Definition.

5. Dwelling Placement

Dwelling placement to the greatest extent possible shall be planned to screen homes from off-site vantage points, away from environmentally-sensitive areas, existing agricultural uses, sites suitable for open space, and upwind from areas subject to land management practices that will cause dust, noise, smoke, odors, or similar problems. Strict geometric layout of lots shall be avoided to the greatest extent possible and the layout shall be designed to maximize open space access for each lot.

D. Open Space

1. (a) Within an open space residential development, a minimum of fifty percent (50%) of the parcel must remain in open space.

(b) No more than fifty percent (50%) of the open space shall be comprised of wetlands, surface water bodies, floodplains, areas of slope >12%, or detention basins.

(c) The following areas shall not be calculated as open space:

(1) Areas devoted to public or private streets or rights-of-way, or any land that has been or is to be conveyed to a public agency.

(2) Private yards or minimum required spacing between buildings.

(d) A minimum of fifty percent (50%) of the open space must be shaped so as to be useable for active or passive recreation or agriculture.

(e) Areas set aside for open space shall have a minimum size of two (2) acres. Developers are encouraged to set aside large parcels of open space lands and should submit sketch plans of proposed open space development to the Middle Paxton Township Planning Commission.

(f) Required open space must be in the form of large tracts to each other or are linked with connector walkways. There shall be no more than three (3) adjacent required open space areas, except when provided in addition to the minimum required open space.

2. In general, the required open space to be set aside shall attempt to preserve natural areas such as wetlands, streams, scenic views, woodlands, hedgerows, fencelines, and similar areas.

3. Access to Open Space

All lots for dwelling units shall either abut directly on open space or shall be located within 500 feet of access to open space, if pedestrian access, such as sidewalks, is provided from such lots directly to the required open space. Accessibility shall meet the needs of handicapped and older citizens. Pedestrian access ways from the street to interior open space areas shall be no less than twenty (20) feet in width.

4. Ownership and Maintenance of Open Space

Common open space may be dedicated partially or entirely to public use. The Board of Supervisors may request the dedication of any common open space land for public use. However, the Board of Supervisors, at its sole discretion, shall also have the right to not accept any dedication of open space.

When common open space is not dedicated and accepted for public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

(a) Oblige purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessment sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

(b) Obligate such an association to maintain the open areas, utilities and where permitted, private streets.

(c) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure or noncompliance.

(d) (1) Provide for agreement that if the township is required to perform any maintenance work pursuant to the items (a) and (b) above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such cost has been paid; and

(2) the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold.

(3) Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors.

(4) Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of Recorder of Deeds, of a perpetual declaration regarding maintenance of facilities as prescribed hereinabove and identifying the tract and each lot therein.

(5) The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

(e) Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.

(f) The Township will require that a landscape plan/maintenance plan for open space be submitted along with the preliminary plan. The landscape plan/maintenance plan will be prepared and maintained by the developer until 51 percent of the lots have been developed, after which time the landscape plan/maintenance plan will be the responsibility of the homeowners association.

Such covenants or equivalent legal arrangements shall be submitted for preliminary review with the preliminary plan and shall be reviewed and approved by the Board of Supervisors prior to the granting of final plan approval.

5. Future Development of Open Space

Future development, subdivision, or sale of the required open space is prohibited.

6. Use of Open Space

(a) Use of open space may include recreation equipment, pavilions, benches, paths and walkways, athletic fields, farming, woodlands, game preserves, and similar uses.

(b) Any structure or building accessory to recreation, conservation, or agriculture may be erected within the dedicated open space, subject to the

approved open space plan. The accessory structures or buildings shall not exceed, in the aggregate, one (1) percent of the required open space area.

(c) Residential accessory structures, such as sheds, garages, fences, etc., or any commercial use shall not be permitted in the open space area.

E. Perimeter Green belts

A perimeter green belt shall be encouraged around any parcel of land developed with open space development in order to separate developments and to preserve views. However, in order to encourage flexibility and to preserve large blocks of non-linear open space, the extent and width of such green belt shall be determined after consultation with the Middle Paxton Township Planning Commission. Developers submitting open space development plans are strongly encouraged to submit sketch plans and to consult with the Middle Paxton Township Planning Commission and staff prior to formally submitting a preliminary plan. Items to be considered in determining the nature, extent, and width of any perimeter green belt shall include, but not be limited to, topography, adjoining land uses, and development potential of adjacent tracts. In no event, however, shall a perimeter green belt consist of more than thirty (30) percent of the required open space.

Section 407. Buffers and Screening

Buffers and screening shall be provided in accordance with the requirements contained in Section 1304.

TABLE 4
R-1 - LOW DENSITY RESIDENTIAL DISTRICT

Use #	R-1 - Low Density Residential	Front Yard 1	Rear Yard 1	Side Yard 1	Minimum	
		Minimum			Lot Size	Street Frontage
	PERMITTED USES					
1.	Single Family Detached Dwelling	40 FT.	25 FT.	25 FT.	1 ACRE	150 FT.
2.	Educational, Religious or Philanthropic Use, Not including Hospitals and Medical and Dental Clinics	40 FT.	25 FT.	25 FT.	2 ACRES	150 FT.
3.	Accessory Building and Structure	See Section 1301				
4.	Historical Site	40 FT.	25 FT.	25 FT.	N/A	N/A
5.	Mobile Homes - Permanent	40 FT.	25 FT.	25 FT.	1 ACRE	150 FT.
6.	Mobile Homes - Temporary	40 FT.	25 FT.	25 FT.	1 ACRE	150 FT.
7.	Group Homes	40 FT.	25 FT.	25 FT.	1 ACRE	150 FT.
8.	Public Parks and Recreation Areas	40 FT.	25 FT.	25 FT.	1 ACRE	150 FT.
9.	House of Worship	40 FT.	25 FT.	25 FT.	3 ACRES	200 FT.
10.	Agriculture	40 FT.	25 FT.	25 FT.	2 ACRES	200 FT.
11.	Accessory Agriculture Uses	Setback per primary use – Agriculture			See Agriculture	
11.	Open Space Development - Optional for tracts of 15 acres or greater pursuant to standards in Section 406.					
12.	Accessory Apartments	Setback per primary use – Single Family Detached Dwelling			Setback per primary use – Single Family Detached Dwelling	
	SPECIAL EXCEPTIONS					
13.	Home Occupation	Setback per primary use			See Section 1424	
14.	Public and Non-public Schools	40 FT.	25 FT.	25 FT.	5 ACRES	200 FT.
15.	Child Care Home	40 FT.	25 FT.	25 FT.	2 ACRES	200 FT.
16.	Library	40 FT.	25 FT.	25 FT.	2 ACRES	200 FT.
17.	Group Day Care Homes	40 FT.	25 FT.	25 FT.	2 ACRES	200 FT.
18.	Domiciliary Care Unit	40 FT.	25 FT.	25 FT.	2 ACRES	200 FT.
19.	Accessory Day Care	Setback per primary use – House of Worship/Non-public School			See House of Worship/Non-public School	
20.	Public Uses and Buildings	See Section 1432				
21.	Golf Courses	See Section 1421				
	CONDITIONAL USES					
22.	Sale of Agricultural Products	See Section 1441				
23.	Public Utility Buildings and Structures	40 FT.	25 FT.	25 FT.	See Section 1441	
24.	Hospital	40 FT.	25 FT.	25 FT.	See Section 1441	

1. The width of any lot may be measured at a line parallel to the front of the principal structure or the right of way line.

Section 500. Purpose

The purpose of the R-2 - Medium Density Residential District is to permit residential development that results in an enhanced living environment. This District is to provide reasonable standards to encourage the orderly expansion of suburban type residential development in the township; encourage architecturally attractive building facades and landscaping; prevent the overcrowding of the land; exclude activities of a commercial or industrial nature and any activities not compatible with residential development; and to otherwise create conditions conductive to carrying out the purposes of this Ordinance.

Section 501. Area of Application

The following regulations shall apply to the areas designated R-2 - Medium and High Density Residential District on the Zoning Map.

Section 502. Use and Lot Requirements

Table 5 shows permitted, special exception, and conditional uses, and the lot area requirements for the R-2 District.

Section 503. Setbacks and Yards; Parking; Streets; Location

Each lot shall meet front, side, rear and interior yard setback requirements not less than the depth or width as follows unless noted otherwise on the attached chart:

A. Front Yard Setback - Forty (40').

B. Each Side Yard Setback - Twenty-five (25'); there shall be two side yards except on corner lots and except in the case of row houses, where side yards (setbacks) shall not be provided on the interior dwelling units and only one (1) side yard shall be provided for each of the end dwelling units.

C. Rear Yard Setback - Twenty-five feet (25').

D. Interior Yards - (open space between buildings) shall be provided as follows:

1. When front to front, rear to rear, or front to rear, parallel buildings shall have fifty feet (50') between faces for one story in height, plus five feet (5') for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the yard distance shall be at least twenty-five feet (25').

2. Between end walls of buildings, a yard space of twenty-five feet (25') for each one story building, plus five feet (5') for each additional story shall be required.

3. Between end walls and front or rear faces of buildings, thirty feet (30') for one story, plus five feet (5') for each additional story, shall be required.

4. When two adjacent buildings differ in the number of stories, the spacing shall be not less than one-half the sum of the required distance between two buildings of lower height, plus that between two buildings of the greater height.

5. Outer and inner courts shall be permitted when such courts are not less than fifty feet (50') or equal to the dimensions of the full height of the building walls enclosing the court, whichever is greater.

6. The minimum distance separating multiple-family buildings from non-residential uses shall be not less than seventy-five feet (75').

E. Off-Street Parking

1. Parking space, off-street, shall meet regulations as set forth in Article 17 herein.

2. Excepting single-family semi-detached, single family attached and two family detached dwellings, all parking areas shall be located at least twenty-five feet (25') from the buildings to allow access for emergency vehicles.

3. The required parking spaces shall be situated on the same lot within two hundred feet (200') of the dwelling units to be serviced.

F. Streets and Access Drives

1. Plans for streets, drives, service access, parking and walks and all such facilities shall be reviewed and approved and all such facilities shall be designed and installed in the manner prescribed by the Township Subdivision and Land Development Regulations for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

2. Suitable access for fire fighting equipment, refuse collection, deliveries where necessary, snow removal, shall be provided.

Section 504. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height.

Section 505. Lot Coverage

The area of all buildings, including accessory buildings shall not exceed an area equal to thirty (30) percent of the lot area and not more than fifty percent (50%) of the total lot area shall be occupied by impervious surface, including building, parking, and other impervious surfaces.

Section 506. Buffers and Screening

Buffers and screening shall be provided in accordance with the requirements contained in Section 1304.

TABLE 5
R-2 - MEDIUM DENSITY RESIDENTIAL DISTRICT

Use #	R-2 - Medium Density Residential	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer No Public Water		No Public Water or Public Sewer	
		Minimum			Minimum		Minimum		Minimum	
					Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	PERMITTED USES									
1.	Single Family Detached Dwelling	See Section 503			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.
2.	Single Family Semi-Detached Dwelling (Duplex - Two Dwelling Units)	See Section 503			22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.
3.	Single Family Attached Dwelling (Townhouse - Maximum Eight Dwelling Units Per Building)	See Section 503			22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.
4.	Two Family Detached Dwelling (Two Dwelling Units)	See Section 503			22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.
5.	Two Family Semi-Detached Dwelling (Four Dwelling Units)	See Section 503			22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.
6.	Conversion Apartments	See Section 503			22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.	22,500 SQ. FT. per dwelling unit	100 FT.
7.	Public Parks and Recreation Areas	50 FT.	50 FT.	50 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.
8.	Accessory Buildings and Structures	See Section 1301								
9.	Group Homes	35 FT.	15 FT.	35 FT.	22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.
10.	House of Worship	50 FT.	50 FT.	25 FT.	22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	150 FT.
11.	Accessory Apartments	Setback per primary use - Single Family Detached Dwelling			Setback per primary use - Single Family Detached Dwelling					

TABLE 5
R-2 - MEDIUM DENSITY RESIDENTIAL DISTRICT

Use #	R-2 - Medium Density Residential	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer No Public Water		No Public Water or Public Sewer	
		Minimum			Minimum		Minimum		Minimum	
					Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	SPECIAL EXCEPTIONS									
12.	Child Care Home	30 FT.	15 FT.	35 FT.	11,000 SQ. FT.	100 FT.	11,000 SQ. FT.	100 FT.	11,000 SQ. FT.	100 FT.
13.	Public and Non-Public School	75 FT.	75 FT.	25 FT.	5 ACRES	300 FT.	5 ACRES	300 FT.	Not Permitted	
14.	Library	50 FT.	50 FT.	25 FT.	2 ACRES	150 FT.	2 ACRES	150 FT.		
15.	Home Occupation	30 FT.	15 FT.	35 FT.	See Section 1424					
16.	Group Day Care Homes	30 FT.	15 FT.	35 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.		
17.	Group Quarters	30 FT.	15 FT.	35 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.		
18.	Accessory Day Care	Setback per primary use - House of Worship/Non-Public School			See House of Worship/Non-Public School		See House of Worship/Non-Public School			
19.	Public Uses and Buildings	See Section 1432								
	CONDITIONAL USES									
20.	Public Utility Buildings and Structures	75 FT.	75 FT.	75 FT.	See Section 1441					
21.	Hospitals	30 FT.	15 FT.	35 FT.	5 ACRES	300 FT.	5 ACRES	300 FT.	Not Permitted	
22.	Colleges and Universities	75 FT.	75 FT.	75 FT.	5 ACRES	300 FT.	5 ACRES	300 FT.		

1. Minimum lot width at the street right-of-way line may be reduced to no less than seventy feet (70') when located on a cul-de-sac turnaround.

Section 600. Purpose

It is the purpose and intent of this Article to provide reasonable standards for the harmonious development of garden and high-rise apartments and other uses and accessory uses which are compatible with high density housing; regulate the density of population, provide for public convenience and avoid undue congestion in the streets; and to otherwise create conditions conducive to carrying out these and the other broad purposes of this Ordinance.

Section 601. Area of Application

The following regulations shall apply to all areas designated R-3 - High Density Residential District on the Zoning Map.

Section 602. Use Requirements

Table 6 shows permitted, special exception, and conditional uses, and lot area requirements for the R-3 District.

Section 603. Setbacks and Yards; Parking; Streets; Location

Each lot shall meet front, side, rear and interior yard setback requirements not less than the depth or width as follows unless noted otherwise on the attached chart:

A. Front Yard Setback - thirty feet (30') from private streets and fifty feet (50') from public streets.

B. Each Side Yard Setback - fifteen feet (15'); there shall be two side yards except on corner lots and except in the case of row houses, where side yards (setbacks) shall not be provided on the interior dwelling units and only one (1) side yard shall be provided for each of the end dwelling units.

C. Rear Yard Setback - thirty-five feet (35').

D. Interior Yards - (open space between buildings) shall be provided as follows:

1. When front to front, rear to rear, or front to rear, parallel buildings shall have fifty feet (50'). between faces for one story in height, plus five feet (5') for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the yard distance shall be at least twenty-five feet (25').

2. When two adjacent buildings differ in the number of stories, the spacing shall be not less than one-half the sum of the required distance between two buildings of lower height, plus that between two buildings of the greater height.

3. Outer and inner courts shall be permitted when such courts are not less than fifty feet (50') or equal to the dimensions of the full height of the building walls enclosing the court, whichever is greater.

4. The minimum distance separating multiple-family buildings from non-residential uses shall be not less than seventy-five feet (75').

5. Between end walls and front or rear faces of buildings, thirty feet (30') for one story, plus five feet (5') for each additional story, shall be required.

E. Off-Street Parking

1. Parking space, off-street, shall meet regulations as set forth in Article 17 herein.

2. Excepting single-family semi-detached, single family attached and two family detached dwellings, all parking areas shall be located at least twenty-five feet (25') from the buildings to allow access for emergency vehicles.

3. The required parking spaces shall be situated on the same lot within two hundred feet (200') of the dwelling units to be serviced.

F. Streets and Access Drives

1. Plans for streets, drives, service access, parking and walks and all such facilities shall be reviewed and approved and all such facilities shall be designed and installed in the manner prescribed by the Township Subdivision and Land Development Regulations for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

2. Suitable access for fire fighting equipment, refuse collection, deliveries where necessary, snow removal, shall be provided.

Section 604. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height; provided, however that the height may be increased one foot (1') for each additional foot that the width of each side yard exceeds the minimum required.

Section 605. Lot Coverage

Not more than thirty percent (30%) of the area of each lot shall be occupied by buildings, and not more than fifty percent (50%) of the total lot area shall be occupied by impervious surfaces, including buildings and parking areas.

Section 606. Buffers and Screening

Buffers and screening shall be provided in accordance with the requirements contained in Section 1304.

TABLE 6
R-3 - HIGH DENSITY RESIDENTIAL DISTRICT

Use #	R-3 - High Density Residential	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water	
					Minimum		Minimum	
		Minimum			Lot Size	Street Frontage[1]	Lot Size	Street Frontage
	PERMITTED USES							
1.	Single Family Semi-Detached Dwelling (Duplex - Two Dwelling Units)	See Section 603			11,000 SQ. FT. per dwelling unit	150 FT.	11,000 SQ. FT. per dwelling unit	150 FT.
2.	Single Family Attached Dwelling (Townhouse - Maximum Eight Dwelling Units Per Building)	See Section 603			11,000 SQ. FT. per dwelling unit	150 FT.	11,000 SQ. FT. per dwelling unit	150 FT.
3.	Two Family Detached Dwelling (Two Dwelling Units)	See Section 603			11,000 SQ. FT. per dwelling unit	150 FT.	11,000 SQ. FT. per dwelling unit	150 FT.
4.	Two Family Semi-Detached Dwelling (Four Dwelling Units)	See Section 603			11,000 SQ. FT. per dwelling unit	150 FT.	11,000 SQ. FT. per dwelling unit	150 FT.
5.	Multi-Family Dwelling	See Section 603			11,000 SQ. FT. per dwelling unit	150 FT.	11,000 SQ. FT. per dwelling unit	150 FT.
6.	Apartment Conversion	See Section 603			11,000 SQ. FT. per dwelling unit	150 FT.	11,000 SQ. FT. per dwelling unit	150 FT.
7.	Public Parks and Recreation Areas	See Section 603			1 ACRE	150 FT.	1 ACRE	150 FT.
8.	House of Worship	See Section 603			1 ACRE	150 FT.	1 ACRE	150 FT.
9.	Nursing or Convalescent Centers, Retirement Villages	50 FT.	50 FT.	25 FT.	2 ACRES	200 FT.	2 ACRES	200 FT.
10.	Accessory Buildings and Structures	See Section 1301						
11.	Accessory Apartments	Setback per primary use - Single Family Detached Dwelling			Setback per primary use - Single Family Detached Dwelling			

TABLE 6
R-3 - HIGH DENSITY RESIDENTIAL DISTRICT

Use #	R-3 - High Density Residential	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water	
					Minimum		Minimum	
		Minimum			Lot Size	Street Frontage[1]	Lot Size	Street Frontage
	SPECIAL EXCEPTIONS							
12.	Child Care Home	See Section 603			11,000 SQ. FT.	150 FT.	11,000 SQ. FT.	150 FT.
13.	Group Day Care Homes	See Section 603			1 ACRE	150 FT.	1 ACRE	150 FT.
14.	Group Quarters	50 FT.	50 FT.	25 FT.	35 FT.	1 ACRE	150 FT.	1 ACRE
15.	Public and Non-Public School	50 FT.	50 FT.	25 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.
16.	Library	50 FT.	50 FT.	25 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.
17.	Home Occupation	See Section 1424						
18.	Accessory Day Care	Setback per primary use - House of Worship/Non-Public School			See House of Worship/Non-Public School		See House of Worship/Non-Public School	
19.	Public Uses and Buildings	See Section 1432						
	CONDITIONAL USES							
20.	Public Utility Buildings and Structures	75 FT.	75 FT.	75 FT.	See Section 1441			

[1] **Minimum lot width at the street right-of-way line may be reduced to no less than seventy (70) feet when located on a cul-de-sac turnaround.**

Section 700. Purpose

The purpose of the N-R - Neighborhood Residential District is to provide for the orderly expansion of residential development; to provide for the public health and to prevent the overcrowding of the land; to encourage the preservation of public open space; to stringently control activities of a commercial or industrial nature and any activities not compatible with residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

Section 701. Area of Application

The following regulations shall apply to the areas designated N-R - Neighborhood Residential District on the Zoning Map.

Section 702. Use and Lot Requirements

Table 7 shows permitted, special exception, and conditional uses, and the lot area requirements for the N-R District.

Section 703. Setbacks and Yards

Each lot shall meet front, side and rear yard setback requirements not less than the depth or width as follows unless noted otherwise on the attached chart:

A. Front Yard Setback

Minimum front yard depth shall be the average of front yard depths for existing principal buildings in the same block. In measuring to determine said building line, open porches should not be construed as part of the building. On a corner lot, two front yards shall be provided.

B. Side Yard Setback

Minimum side yard shall total no less than fifteen (15') feet, with no one side yard less than five (5') feet in width.

C. Rear Yard Setback

Minimum rear yard depth shall be twenty-five (25') feet.

Section 704. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height.

Section 705. Lot Coverage

Not more than thirty percent (30%) of the lot area shall be occupied by buildings, and no more than fifty percent (50%) shall be occupied by impervious surface.

Section 706. Buffers and Screening

Buffers and screening shall be provided in accordance with the requirements contained in Section 1304.

TABLE 7
N-R - NEIGHBORHOOD RESIDENTIAL DISTRICT

Use #	N-R - Neighborhood Residential District	Front Yard	Rear Yard	Side Yard	Minimum	
		Minimum			Lot Size	Street Frontage
	PERMITTED USES					
1.	Single Family Detached Dwelling	See Section 703			1 ACRE	150 FT.
2.	Accessory Building	See Section 1301				
3.	Historical Site	See Section 703			1 ACRE	150 FT.
4.	Group Homes	See Section 703			3 ACRES	200 FT.
5.	Accessory Apartments	Setback Per Primary Use - Single Family Detached Dwelling			Setback Per Primary Use - Single Family Detached Dwelling	
	SPECIAL EXCEPTIONS					
6.	Public Parks and Recreation Facilities	See Section 703			1 ACRE	150 FT.
7.	Public Uses and Buildings	See Section 1432				
	CONDITIONAL USES					
8.	Public Utility Buildings and Structures	See Section 703			See Section 1441	

Section 800. Purpose

The purpose of the MX - Mixed Use District is to provide for a carefully controlled selection of light commercial uses in locations that have a mixed commercial-residential character and to provide for commercial uses that are primarily designed to serve nearby neighborhoods. Furthermore, this district will serve as a transition between the commercial area and the surrounding residential areas.

Section 801. Area of Application

The following regulations shall apply to all areas designated MX - Mixed Use District on the Zoning Map.

Section 802. Use and Lot Requirements

Table 8 shows permitted, special exception, and conditional uses, and lot area requirements for the MX District.

Section 803. Setbacks; Buffers and Screening; Parking; and Streets

A. Setbacks - Each lot shall meet minimum front, side and rear setback requirements as follows:

1. Front Setback - Forty feet (40')
2. Each Side Setback - Twenty-five (25')
3. Rear Setback - Twenty-five feet (25')

B. Buffers and Screening

1. When adjacent to an A-RR, R-1, R-2, R-3, and N-R District, landscape buffers shall be provided in place of the yard setback required in Section 803.A.
2. Buffers and screening shall be provided and maintained in accordance with the requirements contained in Article 1304.

C. Off-Street Parking

1. Parking space, off-street, shall meet regulations as set forth in Article 17 herein.
2. Excepting single-family semi-detached, single family attached and two family detached dwellings, all parking areas shall be located at least twenty-five feet (25') from the buildings. The required parking spaces shall be situated on the same lot within two hundred feet (200') of the dwelling units to be serviced.

D. Streets and Access Drives

1. Plans for streets, drives, service access, parking and walks and all such facilities shall be reviewed and approved and all such facilities shall be designed and installed in the manner prescribed by the Township Subdivision and Land Development Regulations for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

2. Suitable access for fire fighting equipment, refuse collection, deliveries where necessary, snow removal, shall be provided.

Section 804. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height; provided, however that the height may be increased one foot (1') for each additional foot that the width of each side yard exceeds the minimum required to a maximum height of forty-five (45') feet.

Section 805. Lot Coverage

No more than fifty percent (50%) of the area of each lot shall be occupied by buildings and no more than sixty percent (60%) of the total lot area shall be occupied by impervious surfaces.

Section 806. Signs

Signs shall be permitted as specified in Article 16 of this Ordinance.

Section 807. Utilities

In new construction, all utilities shall be installed underground.

TABLE 8
MX - MIXED USE DISTRICT

Use #	MX - Mixed Use District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
PERMITTED USES										
1.	Professional Offices	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
2.	Business Services	See Section 803			20,000 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
3.	Retail Sales, Provided Total Sales and/or Display Area is Less Than 4,000 sq. ft.	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
4.	Personal Services	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
5.	Child Care Centers	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
6.	Laundry and Dry Cleaning (Personal)	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
7.	Nursery, Horticulture	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
8.	House of Worship	See Section 803			22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.
9.	Public and Non-Public Schools	See Section 803			5 ACRES	300 FT.	5 ACRES	300 FT.	5 ACRES	300 FT.
10.	Library	See Section 803			2 ACRES	150 FT.	2 ACRES	150 FT.	2 ACRES	150 FT.
11.	Nursing or Convalescent Centers, Retirement Villages	See Section 803			2 ACRES	150 FT.	2 ACRES	150 FT.	2 ACRES	150 FT.
12.	Accessory Day Care	Setback per primary use - House of Worship/Non-Public School			See House of Worship/Non-Public School		See House of Worship/Non-Public School		See House of Worship/Non-Public School	
13.	Single Family Semi-Detached Dwelling (Duplex - Two Dwelling Units)	See Section 803			22,500 SQ. FT. per dwelling unit	150 FT.	22,500 SQ. FT. per dwelling unit	150 FT.	**Not Permitted**	
14.	Single Family Attached Dwelling (Townhouse - Maximum Eight Dwelling Units per Building)	See Section 803			22,500 SQ. FT. per dwelling unit	150 FT.	10,000 SQ. FT. per dwelling unit	150 FT.		

TABLE 8
MX - MIXED USE DISTRICT

Use #	MX - Mixed Use District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
PERMITTED USES (cont'd.)										
15.	Two Family Detached Dwelling (Two Dwelling Units)	See Section 803			22,500 SQ. FT. per dwelling unit	150 FT.	22,500 SQ. FT. per dwelling unit	150 FT.	**Not Permitted**	
16.	Two Family Semi-Detached Dwelling (Four Dwelling Units)	See Section 803			22,500 SQ. FT. per dwelling unit	150 FT.	22,500 SQ. FT. per dwelling unit	150 FT.		
17.	Multi-Family Dwelling	See Section 803			22,5000 SQ. FT. per dwelling unit	150 FT.	22,500 SQ. FT. per dwelling unit	150 FT.		
18.	Apartment Conversion	See Section 803			22,500 SQ. FT. per dwelling unit	150 FT.	22,500 SQ. FT. per dwelling unit	150 FT.		
19.	Massage Parlor	See Section 803			22,500 SQ. FT. per dwelling unit	150 FT.	22,500 SQ. FT. per dwelling unit	150 FT.		
20.	Accessory Buildings and Structures	See Section 1301								
21.	Public Uses and Buildings	See Section 1432								
22.	Halfway House	See Section 803			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
23.	Accessory Apartments	Setback Per Primary Use - Single Family Dwelling			Setback Per Primary Use - Single Family Dwelling					

TABLE 8
MX - MIXED USE DISTRICT

Use #	MX - Mixed Use District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	SPECIAL EXCEPTIONS									
24.	Public Uses and Buildings	See Section 1432								
25.	Domiciliary Care Unit	See Section 803			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
26.	Child Care Home	See Section 803			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
27.	Convenience Store w/o gas dispensing	See Section 803.			22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
28.	Emergency Medical Treatment Facilities	See Section 803			22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
	CONDITIONAL USES									
29.	Public Utility Buildings and Structures	See Section 803			See Section 1441					

Section 900. Purpose

The purpose and intent of the C-O - Commercial and Office District is to provide reasonable standards for the harmonious development of business and professional offices, and other similar and accessory uses; provide for the public convenience and to avoid undue congestion. Such District is further intended to encourage the harmonious and aesthetically pleasing physical development of the Township by providing for gradual transitions between adjacent land uses and to consolidate locations which will accommodate new office and commercial development.

Section 901. Area of Application

The following regulations shall apply to all areas designated C-O - Commercial and Office District on the Zoning Map.

Section 902. Use and Lot Area Requirements

Table 9 shows permitted, special exception, and conditional uses, and the lot area requirements for the C-O District.

Section 903. Setbacks; Buffers and Screening; Interior Yards; and Streets

A. Setbacks - Each lot shall meet the minimum front, side and rear setback requirements as follows:

1. Front Setback (Yard) Width - twenty-five feet (25').
2. Side Setback (Yard) Width - twenty-five feet (25') each.
3. Rear Setback (Yard) Depth - thirty-five feet (35').

B. Buffers and Screening Requirements

1. When adjacent to an A-RR, R-1, R-2, R-3, N-R, and MX District, landscape buffers shall be provided in place of the yard setback required in Section 903.A.
2. Buffers and screening shall be provided in accordance with the requirements contained in Section 1304.

C. Interior Yards - (open space between buildings) shall be provided as follows:

1. When front to front, rear to rear, or front to rear, parallel buildings shall have fifty feet (50') between faces for one story in height, plus five feet (5') for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as fifteen feet (15') at one end if increased by similar or greater distance at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the yard distance shall be at least twenty-five feet (25').
2. When two adjacent buildings differ in the number of stories, the spacing shall be not less than one-half the sum of the required distance between two buildings of lower height, plus that between two buildings of the greater height.

3. Outer and inner courts shall be permitted when such courts are not less than fifty feet (50') or equal to the dimensions of the full height of the building walls enclosing the court, whichever is greater.

4. The minimum distance separating multiple-family buildings from non-residential uses shall be not less than seventy-five feet (75').

5. Between end walls and front or rear faces of buildings, thirty feet (30') for one story, plus five feet (5') for each additional story, shall be required.

D. Streets and Access Drives

1. Plans for streets, drives, service access, parking and walks and all such facilities shall be reviewed and approved and all such facilities shall be designed and installed in the manner prescribed by the Township Subdivision and Land Development Regulations for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

2. Suitable access for fire fighting equipment, refuse collection, deliveries where necessary, snow removal, shall be provided.

E. Off-Street Parking.

1. Parking space, off-street, shall meet regulations as set forth in Article 17 herein.

2. Excepting single-family semi-detached, single family attached and two family detached dwellings, all parking areas shall be located at least twenty-five feet (25') from the buildings to allow access for emergency vehicles.

3. The required parking spaces shall be situated on the same lot within two hundred feet (200') of the dwelling units to be serviced.

Section 904. Building Height Limit

No building shall be erected in excess of thirty-five feet (35') in height; provided, however that the height may be increased one foot (1') for each additional foot that the width of each side yard exceeds the minimum required to a maximum of forty-five (45') feet.

Section 905. Lot Coverage

Not more than fifty percent (50%) of the area of each lot shall be occupied by buildings, and no more than seventy percent (70%) of the total lot area shall be occupied by impervious surfaces, including buildings, and parking surfaces.

TABLE 9
C-O - COMMERCIAL AND OFFICE DISTRICT

Use #	C-O - Commercial and Office District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	PERMITTED USES									
1.	Professional Offices	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
2.	Business Services	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
3.	Medical and Similar Laboratories and Clinics	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
4.	Business and Office Equipment Sales and Service	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
5.	Mortuary or Undertaking Establishments	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
6.	House of Worship	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
7.	Drug Stores	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
8.	Florist	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
9.	Personal Services	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
10.	Office, Corporate	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
11.	Public Parks and Recreation Areas	See Section 903			1 ACRE	150 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.
12.	Public Uses and Buildings	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
13.	Accessory Buildings and Structures	See Section 1301								
14.	Laundry and Dry Cleaning Establishments (Personal)	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
15.	Library	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
16.	Convenience Store with Gas Dispensing	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
17.	Retail Business	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
18.	Hotels and Motels	See Section 903			1 ACRE	150 FT.	10,000 SQ. FT.	150 FT.	1 ACRE	100 FT.
19.	Automobile and/or Trailer Sales Garage	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.

TABLE 9
C-O - COMMERCIAL AND OFFICE DISTRICT

Use #	C-O - Commercial and Office District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
SPECIAL EXCEPTIONS										
20.	Child Care Center	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
21.	Accessory Day Care	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
22.	Drive-In Facilities for Permitted Use	See Section 903			22,500 SQ. FT.	100 FT.	22,500 SQ. FT.	100 FT.	1 ACRE	100 FT.
23.	Automobile Garage (Major)	See Section 903			22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
24.	Emergency Medical Treatment Facilities	See Section 903			22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
25.	Massage Parlor	See Section 903			22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
26.	Automobile or Gasoline Service Stations	See Section 1417			22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
CONDITIONAL USES										
27.	Public Utility Buildings and Structures	See Section 903			See Section 1441					

Section 1000. Purpose

The purpose of the C-I - Commercial and Industrial District is to provide reasonable standards for the orderly development and expansion of commercial and industrial uses in areas where a nucleus of such uses already exists and where this part of the Township provides the most logical location for a combination of professional offices, flex space, light industrial development, and larger scale commercial/service businesses.

Section 1001. Area of Application

The following regulations shall apply to all areas designated C-I - Commercial and Industrial District on the Zoning Map.

Section 1002. Use and Lot Requirements

Table 10 shows permitted, special exception, and conditional uses, and the lot area requirements for the C-I District.

Section 1003. Setbacks and Yards; Buffer Yards

A. Setbacks of the following minimum depths and widths shall be provided, however, in no case shall the front, side, rear yard depths be less than sixty percent (60%) of the legal right-of-way of the street or streets on which the lot abuts.

1. Front Setback (Yard) Width - fifty feet (50')

2. Side Setback (Yard) Width - twenty-five feet (25')

3. Rear Setback (Yard) Depth - twenty-five feet (25')

B. Buffer yard requirements:

1. When adjacent to an A-RR, R-1, R-2, R-3, N-R, or MX District, a buffer yard shall be provided in addition to the above yards required in Section 1003.A, the depth of which shall be not less than one hundred feet (100'). All such buffer yards shall be provided and maintained in accordance with the requirements contained in Section 1304.

2. When adjacent to a pre-existing residential use existing as of the effective date of the Ordinance located within the C-I - Commercial and Industrial District, a buffer yard shall be provided in addition to the above yards required in Section 1003.A, the depth of which shall be no less than one hundred feet (100'). All such buffer yards shall be provided and maintained in accordance with the requirements contained in Section 1304.

3. When adjacent to a public street on which a Residential District or pre-existing residential use abuts on the opposite side, the dimension of the right-of-way of the public street shall not be considered to be a part of the depth of the buffer yard.

Section 1004. Building Height Limit

No building shall be erected to a height in excess of thirty-five feet (35') in height. The height limit for an accessory building shall be not more than twenty-five feet (25') in height.

TABLE 10
C-I - COMMERCIAL AND INDUSTRIAL DISTRICT

Use #	C-I - Commercial and Industrial District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	PERMITTED USES									
1.	Manufacturing Use	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
2.	Public Parks and Recreation Areas	50 FT.	50 FT.	25 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.	1 ACRE	150 FT.
3.	Public Uses and Buildings	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
4.	Contractors Offices	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
5.	Indoor Recreation Facilities such as Theaters, Pool Parlors & Bowling Alleys	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
6.	Radio and Television Station	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
7.	Wholesaling, Storing and Warehousing	50 FT.	50 FT.	25 FT.	3 ACRES	150 FT.	3 ACRES	150 FT.	3 ACRES	150 FT.
8.	Bus and Truck Terminals, Motor Freight Depots	75 FT.	75 FT.	25 FT.	3 ACRES	150 FT.	3 ACRES	150 FT.	3 ACRES	150 FT.
9.	Animal Hospital	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
10.	Newspaper and Printing Establishments	50 FT.	50 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
11.	Office, Corporate	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
12.	Parking Garage	50 FT.	25 FT.	25 FT.	1 ACRE	200 FT.	1 ACRE	200 FT.	1 ACRE	200 FT.
13.	Parking Lot	50 FT.	25 FT.	25 FT.	2 ACRES	200 FT.	2 ACRES	200 FT.	2 ACRES	200 FT.
14.	Agribusiness (No Animal Husbandry)	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
15.	Dairy	50 FT.	25 FT.	25 FT.	3 ACRES	150 FT.	3 ACRES	150 FT.	3 ACRES	150 FT.
16.	Business Services; Professional Offices	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
17.	Industrial Park	50 FT.	50 FT.	25 FT.	5 ACRES	250 FT.	5 ACRES	250 FT.	5 ACRES	250 FT.
18.	Laundry and Dry Cleaning Establishments	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
19.	Massage Parlor	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.

TABLE 10
C-I - COMMERCIAL AND INDUSTRIAL DISTRICT

Use #	C-I - Commercial and Industrial District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	PERMITTED USES (cont'd.)									
20.	Membership Clubs	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
21.	Mini-Storage Warehouses	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
22.	Mobile Home Sales Lot	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
23.	Office Center	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
24.	Accessory Buildings and Structures	See Section 1301								
25.	Convenience Store w/Gas Dispensing	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
26.	Automobile or Gasoline Service Stations	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
27.	Automobile and/or Trailer Sales Garage	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
	SPECIAL EXCEPTIONS									
28.	Private and Semi-Public Outdoor Recreation Areas	250 FT.	250 FT.	250 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.
29.	Mobile Home Parks	See Section 1428 and Subdivision and Land Development Ordinance								
30.	Business Services; Professional Offices	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
31.	Automobile Body Shop (Autos, Trucks or any type of vehicle)	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
32.	School Commercial	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
33.	Junkyard	75 FT.	75 FT.	75 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
34.	Adult Regulated Facility	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
35.	Child Care Centers	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
36.	Natural Production Uses	75 FT.	75 FT.	25 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.
37.	Kennels	150 FT.	150 FT.	150 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.

TABLE 10
C-I - COMMERCIAL AND INDUSTRIAL DISTRICT

Use #	C-I - Commercial and Industrial District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Water		No Public Water or Public Sewer	
					Minimum		Minimum		Minimum	
		Minimum			Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
	SPECIAL EXCEPTIONS (Cont'd.)									
38.	Emergency Medical Treatment Facilities	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
39.	Automobile Garage (Major)	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
40.	Group Quarters	50 FT.	25 FT.	25 FT.	22,500 SQ. FT.	150 FT.	22,500 SQ. FT.	150 FT.	1 ACRE	150 FT.
41.	Solid Waste Disposal/Processing Facility	See PA DEP Requirements			50 ACRE	300 FT.	30,000 SQ. FT.	300 FT.	30 ACRE	300 FT.
42.	Race Tracks	See Section 1438								
43.	Power Generator Facility	See Section 1439								
	CONDITIONAL USES									
44.	Public Utility Buildings and Structures	75 FT.	75 FT.	75 FT.	See Section 1441					

Section 1100. Purpose

The provisions of this section will only effect new subdivisions and land development. The purpose of this Article is to conserve and protect those areas having slopes as defined herein from inappropriate development as well as to permit and encourage the use of said areas for open space purposes in order to constitute a harmonious aspect of the continuing physical development of the Township. In implementing these principals and general purposes of this Ordinance and the Middle Paxton Township Comprehensive Plan, the following specific objectives are intended to be accomplished by this Article:

A. To combine with other zoning requirements, as an overlay zoning district, certain restrictions for steep slope areas to promote the general health, safety and welfare of the residents of the Township.

B. To prevent inappropriate development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, and soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.

C. To minimize danger to public health and safety by promoting safe and sanitary drainage.

D. To relate the intensity of development to the steepness of terrain in order to minimize grading, removal of vegetation, runoff and erosion, and to help ensure the utilization of land in accordance with its natural capabilities to support development.

E. To promote only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover, by restricting the grading of steep slope areas.

F. To promote the ecological balance among those natural systems elements (such as wildlife, vegetation, and aquatic life) that could be grossly effected by inappropriate development of steep slope areas.

G. To prevent the development that would cause excessive erosion and a resultant reduction in the water-carrying capacity of the watercourses which flow through or around the Township with the consequences of increased flood crests and flood hazards within the Township and to both upstream and downstream municipalities.

H. To minimize the potential harmful effects to individuals and adjacent landowners in the Township and/or other municipalities caused by inappropriate grading and development on steep slopes.

I. To advise those individuals who choose, despite the dangers, to develop or occupy land with steep slopes; to protect residents from property damage and personal injury due to runoff, erosion, or landslides attributable to a nearby development on steeply sloped land.

J. To protect the entire Township from inappropriate development of steep slope areas which could have an effect upon subsequent expenditures for public works and disaster relief and, thus, adversely affect the economic well-being of the Township.

K. To promote the provisions of safe and reliable access ways, parking areas, and utility systems serving development on or around steep slope areas where more sensitive grading and Floodplains is essential.

Section 1101. Steep Slope Protection Provisions

A. The Steep Slope Protection Provision shall be defined and established as those areas of the Township having slopes of twelve percent (12%) or greater as determined from topographic studies or evaluation. The slope shall be determined prior to excavation, grading, or other movement of soil or rock. Any lot which contains land which lies within the Steep Slope Protection District [i.e., with slopes of twelve percent (12%) or greater] shall be subject to the regulations of the Steep Slope Protection District.

B. All lots within the Steep Slope Protection District with average slopes, as defined herein, of less than twelve percent (12%) would not be subject to the provision of this Article, unless the requested use including yard requirements would be on any portion of the lot exceeding a slope of twelve percent (12%) or the requested use is for parking areas in the excess of a slope of six percent (6%).

Section 1102. Steep Slope Protection District Provisions

The Steep Slope Protection District shall be deemed to be an overlay zoning district on any zoning district now or hereafter enacted to regulate the use of land in Middle Paxton Township.

A. The Steep Slope Protection District shall have no effect on the permitted uses or regulations in the underlying zoning district, except where the development intended is to be located within the boundaries of the Steep Slope Protection District, as defined herein, is in conflict with the permitted uses or regulations set forth in this Section.

B. In those areas of Middle Paxton Township where the Steep Slope Protection District applies, the requirements of the Steep Slope Protection District shall supersede any less stringent requirements of the underlying zoning district.

C. Should the zoning classification of any parcel or any part thereof on which the Steep Slope Protection District is an overlay be changed, such change in the classification shall have no effect on the boundaries of the Steep Slope Protection District, unless an amendment to said boundaries was included as part of the proceedings from which the change originated.

Section 1103. Boundary Interpretation and Appeals Procedures

An initial determination as to whether the Steep Slope Protection District regulations apply to a given parcel shall be made by the Zoning Officer. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the location of the Steep Slope Protection Districtboundary or because the criteria used in the delineating the boundary, as set forth in Section 1105 herein, are incorrect because of changes due to natural or other causes, may appeal such decision to the Zoning Hearing Board as provided in Article 18 of this Ordinance.

Section 1104. Land Use and Development Regulations in Steep Slope Protection District

For any lot which contains land included in the Steep Slope Protection District, the following land use and development regulations shall apply.

A. The average slope of the entire lot shall be determined according to the formula:

$$S = (0.0023/A) \times I \times L$$

Where: S	=	Average Slope in percent
.0023	=	A factor for the conversion of square feet into acres
I	=	Contour interval (in feet) of a topographic map of the parcel
L	=	Combined length (in feet) of or along all contour lines measured
A	=	Acreage of the subject parcel's buildable area

B. In all areas of the Township where the slope is twelve percent (12%) or greater, such as to be considered a Severe Slope as defined in the Ordinance of Definition, the minimum lot size for a parcel of land having such Severe Slope shall be:

1. Three (3) acres when the percent slope of the site is twelve percent (12%) or more.

2. Five (5) acres when the slope of the site is fifteen percent (15%) or more.

3. Ten (10) acres when the slope of the site is eighteen percent (18%) or more.

4. Exception: The lot sizes set forth in (1) through (3) above will not apply in those circumstances where the lot owner or any developer can provide a contiguous area of the lot which does not have any of the severe slope averages set forth above and is at least the size of the minimum lot sizes for the zoning district in which the lot is located. When this exception is selected by the lot owner or developer, the area of the lot which is severe slope area (i.e., that portion not included in the area selected by the lot owner/developer for meeting the zoning district minimum lot size) shall not be used for any land development except for a driveway easement access or public utility access to the said lot and is intended to remain in a natural state or condition so far as is possible.

C. Any lot which shall have an average slope of at least twelve percent (12%) but not more than fifteen percent (15%) shall have a maximum impervious surface area of twenty percent (20%) of the lot area, of which no more than one-half, or ten percent (10%) of the lot area, shall consist of buildings.

D. Any lot which shall have an average slope of at least fifteen percent (15%) but not more than twenty-five percent (25%) shall have a maximum impervious surface area of ten percent (10%) of the lot area of which no more than one-half, or five percent (5%) of the lot area, shall consist of buildings.

E. All freestanding structures, buildings and substantial improvements, (with the exception of utilities where no other location is feasible) are prohibited on slopes of twenty-five percent (25%) or greater. Never shall more than five percent (5%) of the area be regraded or vegetation cover disturbed by the exceptions, if they are granted.

F. All swimming pools, junkyards, sanitary landfills, and outdoor storage of vehicles or materials are prohibited on slopes of fifteen percent (15%) or greater.

G. Driveways and roadways shall not exceed a slope of ten percent (10%) within twenty-five feet (25') of the street right-of-way lines. Parking areas shall not be in excess of six percent (6%).

Access drives shall not be in excess of four percent (4%) within seventy-five feet (75') of the intersecting street centerline.

H. Applicants for permits required by this Ordinance shall present evidence of approval of any required erosion and sedimentation plan or any required storm water management plan prior to the issuance of any permit.

Section 1105. Uses Permitted Within the Steep Slope Protection District

A. All uses permitted within the underlying zoning district, except those specifically prohibited in Section 1104 above, may be permitted in the Steep Slope Protection District.

B. Any application requesting a special exception or variance shall be accompanied by a plan certified by a registered professional engineer, a registered surveyor, or a registered landscape architect:

1. The location of the proposed use with respect to the areas of the lot determined to have slopes in excess of twelve percent (12%).

2. The location of the proposed use with respect to existing development within the property.

3. Nature of the proposed use.

4. Topographical surveys showing the contours of the property in two feet (2') intervals. The plans shall also include a reference benchmark used.

5. Typical tract cross-sections at a scale of not more than one inch (1") equals one hundred feet (100') and typical tract cross-sections at a vertical and horizontal scale. There shall be a minimum of one cross-section for the first five (5) acres or less of lot or tract area and one cross-section for each five (5) acres or portion thereof thereafter.

6. Calculations to determine the average slope of the lot in accordance with this Article.

7. Surface view of construction, grading or fill elevations.

8. Size, location and arrangement of all proposed and existing structures on the site, as well as specifications for building construction and materials and storage of materials.

9. Location, elevation, and specifications for water supply, sanitary facilities and streets, including entrance drive.

10. A soils engineering report regarding site characteristics of the subject property to include the nature, types, distribution, and suitability of subsurface soils for load bearing, stability, and compaction; extent, description, and location of exposed rock; erodability of surface soil; engineering and conservation techniques to be used to prevent erosion and alleviate environmental problems created by the proposed development activities; permeability and available water infiltration capacity; depth to bedrock and seasonal high water table; the means of accommodating storm water runoff; proposed modifications to

the existing topography and vegetative cover; and the location, type and intensity of vegetative cover on the subject property.

11. A geophysical-hydrologic report investigating conditions of the subject property's underlying geologic formation and the hydrological characteristics of the proposed development. Such report shall demonstrate that any adverse impacts of the proposed development can be addressed in such a manner as to prevent the hazards to life and property and to maintain amenable site features for storm water management, soil erosion and sedimentation control, vegetative cover and exposed rock stability.

C. The applicant for any special exception shall request the review and recommendations of the Dauphin County Conservation District at least forty-five (45) days prior to the hearing by the Zoning Hearing Board and shall present evidence that such review has been requested.

D. The applicant shall request, at least forty-five (45) days prior to the hearing before the Zoning Hearing Board, the review and recommendations of the Township and shall present evidence that such review has been requested.

E. The applicant shall demonstrate compliance with any applicable storm water management ordinance regulations pertaining to the proposed development, including but not limited to storm water management regulations contained in any applicable subdivision and land development ordinance.

Section 1200. General Provisions

A. Purposes

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditures of public funds for flood protection and relief and the impairment of the tax base by:

1. regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood height, velocities and frequencies;

2. restricting and prohibiting certain uses, activities and development from locating within areas subject to flooding;

3. Requiring all those uses, activities and development that do occur in areas of special flood hazard to be protected and/or flood proofed against flooding and flood damage; and

4. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability

These provisions shall apply to all land within the jurisdiction of Middle Paxton Township and shown on the Official Zoning Map as being located within the boundaries of any floodplain district.

C. Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

D. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Middle Paxton Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1201. Establishment of Zoning District

A. Description of District

1. Basis of District

The FP-Floodplain District is defined and established as those areas of the Township subject to flooding as defined in subsection (1) hereof. The most extensive of these areas described in the following sources shall determine the outermost boundary of the FP-Floodplain District:

a. Those areas subject to inundation by the waters of the 100-year flood as delineated in the Flood Insurance Study for the Township as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, dated February 1979, or the most recent revision thereof.

(1) "Floodway" - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2) "Floodway fringe" means those portions of land within the FP-Floodplain District subject to inundations by the 100-year flood, beyond the floodway in areas where detailed study and profiles area available.

(3) "Approximated floodplain" means those portions of land within the FP-Floodplain District subject to inundation by the 100-year flood where a detailed study has not yet been performed, but where a 100-year floodplain boundary has been approximated. Where the specific 100-year flood elevation cannot be determined for this unique area using other sources of data such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In addition, information from other Federal, State and other acceptable sources shall be used to determine a floodway area, if possible.

2. Overlay Concept

a. The FP-Floodplain District described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain district shall serve as a supplement to the underlying district provisions.

b. Where there happens to be any conflict between the provisions or requirements of the FP-Floodplain District and those of any underlying district the more restrictive provisions and/or those pertaining to the floodplain district shall apply.

c. In the event any provision concerning a FP-Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

B. Zoning Map

The boundaries of the FP-Floodplain Districts are established as shown on the Flood Boundary and Floodway Map, dated February 1979, prepared by the Federal Insurance Administration as part of the Flood Insurance Study for the Township. The said map is hereby incorporated into and made a part of the Official Zoning Map of Middle Paxton Township as amended. A copy of said map shall be kept on file at the offices of the Township and be available for inspection at any time.

C. District Boundary Changes

The delineation of any of the floodplain districts may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, the Susquehanna River Basin Commission or other qualified agency or individual documents the advisability for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

D. Interpretation of District Boundaries

Initial interpretations of the boundaries of the FP-Floodplain District shall be made by the Zoning Officer. Should a dispute arise concerning the boundary of the District, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district shall be given reasonable opportunity to present his or her case to the Board and to submit his or her technical evidence if he or she so desires.

Section 1202. District Provisions

All uses, activities, and development occurring within the floodplain district shall be undertaken, only, in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Township Building Permit Ordinance and the Township Subdivision and Land Development Ordinance.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility system. Prior to any proposed alteration or relocation or any stream, watercourse, etc., within the municipality, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Office of Water Management. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development.

A. FP-Floodplain District

1. Floodway

The following uses and no others shall be permitted in the FP-Floodplain District. No development shall be permitted in the Floodway except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.

a. Permitted Uses

The following uses and activities are permitted in the Floodway provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

(1) Agriculture and farm uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(3) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.

(4) Accessory commercial uses such as yard areas, pervious parking and loading areas, and airport landing strips.

b. Uses Permitted by Special Exception

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

(1) Structures, except for mobilehomes, accessory to the uses and activities in Section 1202.A.1 above.

(2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar related uses.

(3) Water related uses and activities such as marinas, docks, wharves, piers.

(4) Extraction of sand, gravel, and other materials.

(5) Temporary uses such as circuses, carnivals, and similar activities.

(6) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, an/or can be readily removed from the area within the time available after flood warning.

(7) Other similar uses and activities provided they cause no increase in flood heights an/or velocities. All uses, activities, and structural developments, shall be undertaken in strict compliance with flood proofing provisions contained in all other applicable codes and ordinances.

2. Floodway-Fringe/Approximated Floodplain

The development and/or use of land shall be permitted in the Floodway-Fringe/Approximated Floodplain in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with flood proofing and related provisions contained in all other applicable codes and ordinances.

Section 1203. Special Exceptions - Factors to be Considered

In passing upon applications for Special Exceptions the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception shall be granted in the floodway for any proposed use, development, or activity that will cause any increase in flood levels during the one hundred (100) year flood.

B. The danger that materials may be swept on to other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development anticipated in the foreseeable future.

I. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

J. The safety of access to the property in times of flood of ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of this Ordinance.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Section 1204. Existing Structures in FP-Floodplain Districts

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

A. Existing structures and/or uses located in any floodway shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement of flood heights is fully offset by accompanying improvements.

B. Any modification, alteration, repair, reconstruction, or improvements of any kind to a structure and/or use located in the floodplain district shall be equal to or less than fifty percent (50%) of its total square footage and shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.

C. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

Section 1300. Performance Standards for all Uses

All uses shall be subject to and comply with the following regulations, or as amended, where applicable.

A. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

B. Air Pollution. Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

C. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691., or as amended.

D. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act" of 1971, or as amended.

E. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

F. No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.

G. Outdoor Lighting: All outdoor lighting shall be so arranged and shielded so that no unreasonable glare or illumination is cast upon adjoining residential uses in any district or upon any public street.

H. Subdivision and land developments shall be reviewed in accordance with the requirements of the Middle Paxton Township Subdivision and Land Development Ordinance.

I. Act 101: Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L., No. 101 (Act 101), as amended.

J. Act 537: Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, No. 537 (as amended).

Section 1301. Accessory Structures

A. An accessory structure shall not be built within any front yard unless authorized as a special exception by the Zoning Hearing Board.

B. An accessory building or structure having greater than 150 square feet in lot coverage and no greater than fifteen feet (15') in height shall be permitted no closer than twenty-five feet (25') from the property line.

C. An accessory building or structure having no greater than 150 square feet in lot coverage and one story in height shall be permitted in a rear yard setback but no closer than ten feet (10') from the property line, and only one (1) such structure shall be permitted within said yard area.

D. An accessory building or structure shall be constructed of wood, masonry or metal which must be fastened or anchored into the ground.

E. Attached Structures: A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

Section 1302. Fences and Walls

A. No fence or wall (except a retainer wall of a building permitted under this Ordinance) shall be erected to a height of more than five feet (5') in a front yard and more than eight feet (8') in any other yard within all zoning districts, except industrial or commercial. In those two districts, no fence nor wall shall be erected to a height of more than ten (10) feet in any yard. No fence or hedge or wall shall block a motorist's view of vehicles entering or exiting the property. Any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet in height.

B. Fences must not be located within five (5) feet from the paved portion or berm of any private right-of-way or public cartway, including any roads, streets or alleys of Middle Paxton Township or the Commonwealth of Pennsylvania.

C. Fences shall be finished on both sides in the same manner, or if finished only on one (1) side, then said fence shall be erected so that the finished side faces outward away from the lot or parcel of ground where the same is erected.

D. If a fence, as erected on any property, is found by the Board of Supervisors of Middle Paxton Township, or an agent designated by said Board, to interfere with the location, relocation, maintenance or repair of any public roadway, cartway or public utility lines, then in such instance said fence shall be removed or relocated by the property owner who owns the land upon which the fence is located at the sole expense of said property owner.

E. It shall be unlawful to construct or alter any fence outside of the building lines of any lot without having first secured a permit therefor.

F. Application for such permits shall be made to the Secretary of the township or an agent designated by the Township Supervisors and shall be accompanied by plans and specifications, in duplicate, showing the work to be done; such plans shall be verified by the signature of either the owner of the premises or the contractor in charge of the operation and shall be accompanied by the payment of a fee in an amount as shall be established from time to time by the Board of Supervisors in a duly adopted resolution.

G. Such application with plans shall be referred to the Zoning Officer who shall examine the same to determine whether the proposed construction or alteration will comply with the provisions of this chapter relative thereto and shall issue or reject the permit, in writing, within five (5) working days from receipt of the application. Upon approval, one (1) set of plans shall be returned to the applicant with a permit and the other shall be retained by the Zoning Officer. No permit shall be issued until after approval of the plans.

H. It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended application to the Zoning Officer and approved by this official.

I. The Zoning Officer shall make or cause to be made such inspection as is necessary to see the enforcement of the provisions of this section.

Section 1303. Animals and Animal Structure - Non-Commercial

The keeping of all animals for private use and enjoyment shall be permitted in the A-RR and R-1 Districts subject to the following provisions:

A. The keeping or raising of livestock, horses, furbearing animals or poultry shall be limited to lots of at least 3 acres in area. Lots of 3 acres shall be limited to two (2) head of livestock or horses, or fifty (50) fowl. Lots of 4 acres up to 10 acres shall allow 2 additional head of livestock or horses per acre, or (50) fowl per acre.

B. Livestock shall be considered those animals commonly raised on farms in this area, such as: cows, sheep, goats and pigs.

C. Any building used for the keeping or raising of livestock, horses, furbearing animals or poultry shall be situated not less than one hundred (100) feet from any street line or residential property line. Not more than three (3) percent of the total lot area shall be in impervious surfaces.

D. Riding academies, livery or boarding stables and commercial dog kennels, are not included in this provision.

E. All buildings associated with this use, i.e. barns, sheds and silos shall also be permitted.

F. Where this use adjoins existing residential uses, buffering in accordance with this Ordinance, shall be provided.

G. Adequate provisions shall be made for the control of noise and odor and the confinement of the animals to the property.

H. All manure management practices and operations shall comply with the provisions set forth in the *Pennsylvania Nutrient Management Act*, as amended.

Section 1304. General Buffer and Screening Regulations

A. Middle Paxton Township recognizes that the processes of development can alter natural topography and vegetation, as well as cause other negative impacts. The Township also recognizes that development creates impervious cover, vehicular traffic, artificial light, increases in air temperature, accelerated runoff, erosion, sedimentation, glare, noise and incompatible uses of land which can negatively impact the community's ecological balance, visual character and individual, as well as, community-wide livability. The Township intends to protect and enhance its economic base, quality of life, and community character by encouraging quality development. Recognizing that the Middle Paxton Township Comprehensive Plan promotes the protection of health, safety and welfare of the public and encourages quality development, this Section is adopted in order to: (1) aid and stabilize the ecological balance of the environment in the Township; (2) provide buffers between uses of different character and intensity; (3) enhance the Township's general appearance; (4) safeguard and enhance property values; (5) protect public and private investments; (6) conserve energy; and (7) protect natural areas thereby providing natural habitats for wildlife.

B. Buffers

Buffers required by this Ordinance are intended to separate different land uses from each other at a reasonable distance in order to minimize or eliminate potential nuisances such as dirt, litter, noise, glare, unsightly buildings, and parking areas. Buffers are also intended to provide spacing between uses and structures to reduce the adverse impacts of noise, light, odor or danger from fire and explosions.

1. General Buffer Requirements

   a. A minimum vegetative buffer of fifteen feet (15') in width shall be provided along the perimeter of a lot or any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.

   b. Buildings shall not be permitted in a buffer yard.

   c. Storage of any kind shall not be permitted in a required buffer yard.

   d. Stormwater management facilities, public utility facilities, picnic areas, or pedestrian walkways and sidewalks shall be permitted in a buffer yard.

   e. All lots requiring a buffer shall require a parking screen as specified in Section 1304.C.1.f.

2. Land Use and District Buffers

   a. Buffer area and screening in accordance with Section 1304.C and Table 13 shall be provided as follows:

      (1) A buffer yard of not less than thirty feet (30') shall be required between a residential use or residential zoning district and a commercial use or commercial zoning district. Level 3 screening shall be provided in the buffer.

      (2) A buffer yard of not less than thirty feet (30') shall be required between a multi-family residential use and a single family/two family residential use and or R-1, R-2, R-3, N-R, and MX districts. Level 1 screening shall be provided in the buffer.

      (3) A buffer yard of not less than thirty feet (30') shall be required between a residential use or residential zoning district and any industrial use or industrial zoning district. Level 3 screening shall be provided in the buffer.

      (4) A buffer yard of not less than thirty feet (30') shall be required between a commercial use or commercial zoning district and any industrial use or industrial zoning district. Level 2 screening shall be provided in the buffer.

C. Screening

Screening and screens required by this Ordinance are intended to provide an effective visual barrier at the street level between conflicting uses related to noise, heat, glare, dust, and traffic. Screening and screens are use to preserve property values and ensure the compatibility of different land uses, as well as improve the appearance of individual properties and neighborhoods in the Township. This section provides standards and options for the design, and installation of plants, fences and walls in the Township.

1. Screening Requirements

a. Table 13, "Screening Requirements," outlines the screening "levels" required by this Ordinance. Level 1, Level 2, Level 3, Level 4, and Level 5 screening require various combinations of evergreen and deciduous trees, fences, walls and berms for screening. Where Level 3 screening is required by this Ordinance, options A, B, C, D, or E shall be required. All standards for screening shall be met at the time of planting.

b. Service loading and trash disposal areas in all zones shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened at commencement of building with a combination of architectural masonry and landscaping with a height of at least six (6) feet. All such areas shall be surrounded on three (3) sides by a minimum of a fifteen (15) foot wide landscape buffer. No outdoor storage, off-street parking or loading will be permitted within the required landscape areas.. Any fence or wall shall not be constructed of corrugated metal or fiberglass or sheet metal.

c. Outdoor Activities and Equipment Screening. All outdoor industrial use operations shall have a landscape buffer as specified in Section 1304.B.2.a.3 and 1304.B.2.a.4. Mechanical equipment and other functional accessories of each building, such as elevators, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units shall have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

e. All industrial screens shall be of such design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing tract either zoned or used for residential purposes, or from any public street.

f. Parking Screen. Parking and storage of vehicles in yards abutting a street shall provided with Level 4 screening. Drainage swales or easements shall not be placed in parking screen areas unless there is no alternative available. If the drainage swales or easements or basins interfere with the buffer or screening areas, the buffers or screens shall be placed further toward the interior of the lot to provide for the intent of this ordinance. Parked vehicles shall not overhang landscaped areas more than 1-1/2 feet. Wheel stops or curbing shall be provided to insure no greater overhang. When a parking lot is located on property which adjoins land in a residential zone, the parking lot shall be screened from the adjoining residential property.

Table 13
Screening Requirements

Required Screening Level	Screen Specifications	Required Minimum Tree Spacing	Planting Strip Width/Slope or Location
Level 1	Evergreen trees 4 feet in height when planted	Twenty feet (20') on center	1 row, staggered
	Deciduous trees 6 feet in height when planted	Thirty feet (30') on center	1 row, staggered
Level 2	Evergreen trees 5 feet in height when planted	Ten feet (10') on center	1 row, staggered
	Deciduous trees 6 feet in height when planted	Fifteen feet (15') on center	1 row, staggered
Level 3 Option A	Wall/Fence (See Section 1302)	NA	NA
	Hedge 2 feet in height when planted	Ten feet (10') on center	1 row
Level 3 Option B	Wall/Fence (See Section 1302)	NA	NA
	Evergreen trees 4 feet in height when planted	Ten feet (10') on center	1 row, staggered
	Hedge 2 feet in height when planted	Ten feet (10') on center	1 row
Level 3 Option C	Evergreen trees 6 feet in height when planted	Solid screen tree line	1 row, staggered
Level 3 Option D	Berm of compacted soil construction 6 feet in height with ground cover	NA	Maximum 3:1 slope
Level 3 Option E	Berm of compacted soil constructed 3 feet in height with ground cover	NA	Maximum 3:1 slope
	Hedge, evergreen trees or shrubs 3 feet in height when planted	Solid screen	On top of berm
Level 4	Berm of compacted soil construction 6 feet in height with ground cover	NA	Maximum 3:1 slope
	Mixed broadleaf and evergreen trees or shrubs 6 feet in height when planted	Five feet (5') on center	2 rows, staggered

g. Commercial land developments shall provide a parking screen along the entire side and rear boundaries when such boundaries abut non-commercial zones.

2. All required tree planting and landscaping used for screening shall comply with all landscaping requirements of this Ordinance and the Middle Paxton Township Subdivision and Land Development Ordinance. All fences and walls constructed as screening shall be maintained in good condition, repaired, and replaced where necessary.

D. Prior to the issuance of a building permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials to be placed in such buffer yards shall be found by the Planning Commission to be in Conformance with the terms of this Ordinance.

Section 1305. Height Adjustments

The following structures shall not be in excess of fifty feet (50') in height: domes, chimneys, ventilators, skylights, water tanks and bulkheads.

Section 1306. Habitable Floor Area

The minimum habitable floor area of a dwelling unit or any building or structure hereafter erected or used for living purposes, shall be six hundred (600) square feet. In case of apartment houses, conversion apartment, and mobilehomes the minimum habitable floor area shall be not less than four hundred (400) square feet, except those apartments designed for, and occupied exclusively by, one person which apartment shall contain not less than two hundred and fifty (250) square feet of habitable floor area.

Section 1307. Prohibited Uses

The following uses are prohibited in all districts within Middle Paxton Township:

A. The incineration, reduction or storage of offal, animals, fish, or refuse, unless by the authority of or under the supervision of Middle Paxton Township.

B. The incineration or reduction of garbage and their glass clippings.

C. Dumps and dumping of any kind, other than solid waste landfill and composting, unless by the authority of or under the supervision of Middle Paxton Township.

Section 1308. Swimming Pools

Every outdoor swimming pool must conform to all applicable requirements of state law and shall be subject to the following regulations:

A. Completely surrounded by a fence or wall of not less than four feet (4') in height, which shall be so constructed as not to have any openings, holes, or gaps larger than two inches (2") in any dimension for a chain link fence not more than four inches (4") between vertical pickets. This requirement shall not apply to above-ground pools having a wall measuring four or more feet (4'+) in height and have a retractable or removable ladder or hot tubs/spas that are kept covered when not in use.

B. All gates or doors opening through such enclosure shall be equipped with a self-closing, self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. No swimming pool shall be constructed in the front yard.

D. Swimming pool set-back shall be twenty-five feet (25') from property line to water surface and five feet (5') from impervious surface to property line.

E. No swimming pool shall be placed under or within fifteen feet (15') feet of an electrical transmission line.

F. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.

G. Pools shall not be located over an on-lot septic system drain field.

Section 1309. Unenclosed Storage.

A. Outdoor stockpiling:

1. In all zones, no outdoor stockpiling of any material is permitted in the front yard.

2. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year, is prohibited.

3. In all zones, storage areas shall be of sufficient size to accomodate the container capacity required to store the refuse accumulation between collections, but shall not be less than thirty-two feet (32') in size.

B. Trash, garbage, refuse, or junk: The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.

C. Dumpsters: All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads and properties, and completely enclosed within a sight-tight masonry or fenced enclosure equipped with a self-latching door or gate.

D. Domestic Composts: The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

Section 1310. Uses Not Provided For

Whenever under this Ordinance a use is neither specifically permitted nor denied and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

Section 1311. Uses with Nuisance Effect

In no case is a use permitted which by reasons of noise, dust, odor, appearance or other objectionable factor creates a nuisance, hazard or other substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property. Every reasonable effort must be made to prevent this effect through:

A. Control of lighting;

B. Design and maintenance of structures;

C. Use of planting screens or attractive fences;

D. Placement of structures on the site;

E. Appropriate control of use;

F. Prompt removal of trash or junk;

G. Control of hours of operation (7 a.m. - 9 p.m.).

Section 1312. Waste and Sewage Disposal

All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the Pennsylvania Department of Environmental Protection shall be prerequisite to the issuance of a building permit.

Section 1313. Yard Adjustment Regulations

Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, seed, sod, ground cover or other vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this Ordinance. All yards shall be maintained and kept free of all debris and rubbish.

A. Side Yards

1. Side yards for corner lots: On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district.
2. There shall be (2) side yards, one on each side of the property neither of which shall be less than twenty-five feet (25'). In the case of two or more residences located on the same plot or piece of ground there shall be a distance of at least fifty feet (50') between said residences.
3. Each lot shall have a front yard as required in the district in which the lot is located.

B. Front Yards:

1. Each lot shall have a front yard as required in the district in which the lot is located.

2. Each lot shall not have more than one (1) front yard.

C. Rear Yards

1. Notwithstanding other regulations herein, no rear yard shall be reduced to less than twenty-five feet (25').
2. No principal building shall be constructed less than twenty-five feet (25') from the rear property line.

D. Interior Yards

Open space between principal buildings of a dwelling group on a lot in single ownership shall be provided as follows:

1. When parallel or obliquely aligned, buildings shall have fifty feet (50') between front or rear faces for one story in height, plus five feet (5') for each additional story.

2. Between end walls of buildings, a yard space of twenty-five feet (25') for each one story building plus five feet (5') for each additional story shall be required.

3. Between end walls and front or rear faces of buildings thirty feet (30') for one story, plus five feet (5') for each additional story shall be required.

4. When two (2) adjacent buildings differ in the number of stories, the spacing shall be not less than one-half of the sum of the required distance between two (2) buildings of lower height, plus that between two buildings of the greater height.

5. The minimum distance separating multiple family buildings from non-residential uses shall be not less than seventy-five feet (75') between buildings.

E. Projection in Yards

1. Cornices, eaves, gutters, bay windows or chimneys, may project into the front, rear or side yard of a lot, not more than eighteen inches (18").

2. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any yard.

3. Walks, stairs and window wells, and such other structures customarily incidental to the main building may project into the front, side or rear yards of a lot providing the grade elevation shall be not more than twelve inches (12") above the yard grade.

4. Covered and unenclosed stoops may project into the front and side setback not more than 48" (Maximum of 4' x 6').

F. Obstructions to Vision - Sight Distance

1. No walk, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted which may cause danger to traffic or a street or public road by obscuring the view.

2. Sight distance requirements shall be in accordance with Article 5 of the Middle Paxton Township Subdivision and Land Development Ordinance.

Section 1314. Agriculture and Animal Husbandry

A. Agriculture and Animal Husbandry are permitted uses in the A-RR - Agricultural and Rural Residential District.

B. The following restrictions shall apply in the A-RR - Agricultural and Rural Residential District unless otherwise stated.

1. Buildings in which poultry or animals except household pets are kept either temporarily or permanently shall not hereafter be erected within two hundred feet (200') of any nonfarm district boundary; with the exception of a Veterinary Establishment solely limited to facilities necessary to the temporary treatment of sick or otherwise ailing pets normally permitted within the house and yard and to include dogs, cats, canaries, parakeets and similar household pets; such Veterinary Establishments may be erected as close as one hundred feet (100') to a Residential District boundary.

2. All grazing or pasture areas shall be fenced to prevent livestock from roaming.

3. The construction or operation of a building for the cultivation of mushrooms shall be permitted in the A-RR district only.

4. No slaughter area or manure storage area shall be established closer than two hundred feet (200') to any property line.

5. All manure management practices and operations shall comply with the provisions set forth in the *Nutrient Management Act of 1993*, or as amended.

C. Animal Husbandry is prohibited in the R-1, R-2, and R-3 Districts.

Section 1315. Exotic Wildlife

A. The keeping of exotic wildlife in the Township shall be permitted only in the A-RR - Agricultural and Rural Residential District. The following restrictions shall apply unless otherwise noted:

1. All exotic wildlife shall be properly caged or restricted to prevent harm to residents of the Township.

2. Anyone in possession of exotic wildlife must possess an "Exotic Wildlife Possession Permit" issued by the Pennsylvania Game Commission under the guidelines of Section 2963 of the Game and Wildlife Code, 34 Pa. C.S., 2963.

3. No manure shall be stored within two hundred feet (200') feet of any property line.

4. All manure management practices and operations shall comply with the provisions set forth in the *Nutrient Management Act of 1993*, or as amended.

B. The keeping of exotic wildlife is prohibited in any of the Township's Residential Districts.

Section 1316. Group Homes

A group home meeting the requirements of the definition in the Ordinance of Definition shall be subject to the following additional regulations:

A. Supervision - There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

B. Certification - Any group home involving five (5) or more unrelated persons living in a dwelling unit or that is otherwise required to be licensed or certified under an applicable State, County or Federal program shall be certified or licensed, as applicable, as a condition of Township approval. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township in writing within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

C. Registration - The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Township. Such information shall be available for public review upon request.

D. Counseling - Any medical or counseling services provided on the lot shall be limited to residents and a maximum of 3 nonresidents per day.

E. Parking - Two (2) off-street parking spaces shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than 4 spaces shall be buffered from adjacent existing single family dwellings by a planting screen.

F. The use shall not meet the definition of a "group quarters" as defined in the Ordinance of Definition. A group home shall not house persons who can reasonably be considered to be a physical threat to others.

G. Appearance - If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.

H. The maximum number of persons who may reside in a group home shall not restrict or include bona fide employees who are needed in the group home to supervise and care for residents. A group home shall not be regulated by the maximum number of unrelated persons permitted to live in a dwelling unit under the definition of "family." The number of unrelated persons may be licensed to the following total number for a group home serving physically handicapped persons or developmentally disabled/retarded persons:

1. Single Family Detached Dwelling with minimum lot area of 3 Acres and minimum building setbacks from all lot lines of at least 25 feet, and provided that approved public sewage service is provided: 8 unrelated persons.

2. Any other lawful dwelling unit: 5 unrelated persons.

I. Septic - If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Township Sewage Enforcement Officer to determine if it is adequate.

Section 1317. Non-Conforming Nonresidential Uses Abutting Residential Uses

Non-conforming, non-residential structures or uses located in any zoning district shall not be constructed or conducted close to any abutting side or rear lot line of any lot utilized for residential purposes nearer than the

distance required for the buffer yard in the zoning district in which the non-conforming use would be considered a permitted use.

Section 1318. Resorts

A. Those uses involving outdoor activities shall provide sufficient screening and/or landscaping to mitigate any visual and/or audible impacts on adjoining properties. The site shall be buffered and landscaped in accordance with the provisions contained in this Ordinance and the Subdivision and Land Development Ordinance.

B. All resorts shall front, and have access to, an arterial or collector roadway as defined in the Middle Paxton Township Ordinance of Definition.

C. Performance standards addressed in Section 1300 shall be required.

D. The construction of a resort shall be considered a "development", and is subject to the provisions contained in the Subdivision and Land Development Ordinance, and all other appropriate requirements.

E Golf courses shall be permitted as regulated under Section 1421.

F. Parking and access drive requirements shall comply with Article 17 of this Ordinance.

Section 1319. Accessory Apartments

Accessory Apartments, or approved accessory structures may be created in a single-family detached dwelling subject to the following criteria:

A. The apartment will be a complete and separate housekeeping unit that can be isolated from the original unit.

B. Only one (1) apartment will be created within a single-family detached dwelling unit.

C. The owner(s) of the residence in which the accessory unit is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences.

D. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling.

E. The design and size of the apartment conforms to all applicable State and Township standards/codes.

F. The accessory apartment shall be no more than thirty percent (30%) of the structure's total floor area nor greater than five hundred (500) square feet.

G. A minimum of three hundred (300) square feet of floor area shall be required.

H. At least a total of three (3) off-street parking spaces are available for use by the owner-occupant and tenant.

Section 1320. Automobile and/or Trailer Sales Garage

Automobile and/or trailer sales garages are subject to the following criteria:

A. All service and/or repair activities shall be conducted within a completely enclosed building.

B. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of sales or service shall be permitted.

C. The storage of vehicles without a current Commonwealth of Pennsylvania registration or motor vehicle inspection is prohibited.

D. Parking areas for vehicles and trailers shall be paved according to the requirements contained in the Middle Paxton Township Subdivision and Land Development Ordinance, as amended.

E. Parking spaces for each vehicle for sale shall be demarcated based upon the dimensions contained in Section 1700.B of the Middle Paxton Township Zoning Ordinance, as amended.

F. Lighting: All lighting must be directed inward and downward.

G. New or used vehicles shall be permitted to remain on a salvage vehicle for only one (1) business day per week.

Section 1400. Special Exceptions

Special exceptions are deemed uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Zoning Ordinance.

All applications for a special exception may be referred to the Planning Commission and/or Township Engineer by the Zoning Hearing Board with the direction that the Planning Commission and/or Township Engineer shall make a study thereof and recommendation thereon to the Board within thirty (30) days from the date of the receipt of said application by the Planning Commission and/or Township Engineer. The burden of proof for all specific criteria rests with the applicant.

Section 1401. Procedures

The application for the Special Exception shall first be submitted to the Zoning Officer. The Zoning Officer shall review the submittal to determine if it is generally in a form that complies with the terms of this Zoning Ordinance. If within five (5) days from the submittal date the Zoning Officer determines that the submittal is incomplete, it shall be returned to the applicant, not having been properly filed. If the submittal is found to be in accordance with this Ordinance, the same shall be forwarded to the Zoning Hearing Board by the Zoning Officer. Such submittals shall be on forms provided by the Township. Submittals shall include the appropriate fee, to be set by resolution of the Board of Supervisors. Failure of applicant to pay the required filing fee shall cause any application to be deemed incomplete and not being properly or duly filed.

Section 1402. Plan Required

A. A scaled (1"=100') drawing (site plan) certified by a licensed engineer, surveyor or landscape architect, or accompanied by a sworn affidavit of the applicant that the drawing is true and correct, for the proposed development shall be submitted with the application for a permitted special exception.

B. Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Ordinance.

Section 1403. General Standards for Special Exceptions

A. The Zoning Hearing Board, before granting a special exception for any use, must find that the use and the proposed operations and development in connection with the use, or the modification of the terms of this Ordinance, shall have been specifically authorized as a special exception in the District within which such particular site is located. The Board shall make the following findings, in writing, when relevant in a given case, either from the evidence presented at the hearing, or from a study and report prepared by the Planning Commission, the Township Engineer, or other competent technical consultants:

1. That the location of the use, including with respect to the existing or future streets, giving access to it, is in harmony with the orderly and appropriate development of the zone in which the use is to be located;

2. That the nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the zone in which the use is to be located; and

3. That the grant of the special exception shall not materially increase traffic congestion in the roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets.

4. The applicant must meet all General and Specific Requirements as defined in this Article.

B. General Criteria. Each applicant must demonstrate compliance with the following general criteria:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety or welfare of the neighborhood.

2. The proposed use shall not injure or detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potential decrease of value of surrounding properties.

3. The proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.

4. Adequate public facilities are available and existing to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).

5. The proposed use will not impair the integrity of the Township's Comprehensive Plan.

6. The proposed use is not incompatible with the existing traffic conditions and adjacent uses.

7. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

8. Operations in connection with a use shall not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, smoke, or other potential nuisance or safety hazard than would be the operations of the permitted use.

C. Specific Criteria. Each applicant must demonstrate compliance with the following specific criteria:

1. The parking, traffic and pedestrian access shall be in conformance with those specified in Article 17 and elsewhere in this Ordinance.

2. Screening and landscaping and slope of the proposed use from adjacent uses is sufficient to prevent deleterious impact of the proposed use upon another and to comply with Section 1304.

D. Conditions. The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions and safeguards which are more restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 18.

E. Site Plan Approval. Any site plan presented in support of the special exception pursuant to Section 1402 shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another special exception approval.

Section 1404. Additional Conditions

A. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, considered necessary to implement the purposes of this Ordinance, including conditions which are more restrictive than those established for other uses in the same zone and may require, among others and where appropriate:

1. Planting, fencing or screening;
2. Architectural or landscaping treatment;
3. Hours of operation;
4. Proper vehicular access and parking facilities;
5. Sidewalks, storm sewer and/or other public improvements;
6. Proper restrictions as to the use of outdoor lighting, public address systems, and advertising displays;
7. And such other improvements and/or restrictions and/or conditions as the Board many deem appropriate.

B. For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must include:

1. Ground floor plans and elevations of proposed structures;
2. Names and addresses of adjoining owners.
3. For existing structures, a dated photograph(s) showing all sides of the structure.

C. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit within 1 year of the date of the authorization of the special exception.

Section 1405. [VACANT]

Section 1406. Accessory Day Care

Accessory Day Care shall be permitted as special exception in the A-RR, R-1, R-2, R-3, and C-O Districts only where such use is accessory to a house of worship, or a public or non-public school and is subject to the following provisions:

A. The accessory day care center shall meet all requirements for certification and/or registration by the State of Pennsylvania where required. Proof of such certification and any recertification shall be provided to the Township.

B. The accessory day care center is located at and is accessory to a legally established house of worship a public or non-public school. Such buildings shall obtain a Pennsylvania Department of Labor and Industry occupancy permit.

C. The accessory day care center shall provide sufficient off-street parking, consisting of at least one (1) parking space for each employee of the day care center, and at least one (1) parking space for every two (2) children enrolled in the day care center.

D. The accessory day care center provides safe off-street pickup and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pick-up and drop-off points at least 60 feet from any intersection.

E. An outdoor play area shall be provided at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned or used properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

Section 1407. Adult Regulated Facility (See Middle Paxton Township Ordinance No. 27-1987, as amended.)

Section 1408. Airports, Heliports, and Helistops

A. Airports, Heliports and Helistops shall be permitted as a special exception in the A-RR District subject to the following provisions:

1. Minimum lot area shall be thirty (30) acres for airports and three (3) acres for heliports and helistops.

2. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal

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

3. No part of the take-off/landing strip and/or pad shall be located within three hundred feet (300') from any property line.

4. All facilities shall not be detrimental to the health, welfare and safety of the Township residents and their property.

B. In addition to the requirements in Section 1408.A, heliports and helistops shall meet the following requirements:

1. The landing pad shall be at least eighty (80') feet square or a circle with an eighty (80') foot diameter. This pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.

2. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000') feet; and shall have a glide angle slope of eight (8) degrees to one (1) measured from the outer edge of the pad.

3. An application for a helistop or heliport on a roof or similar above ground structure, shall be accompanied by a certification by registered engineer that the loads imposed by a helicopter will be supported by the structure.

4. The helistop and heliports shall be used only for personal or executive use by a firm or individual.

5. No helicopter over six thousand (6,000) pounds gross weight shall use any helistop.

6. The application shall include at a minimum, the following:

   a. A copy of the Federal Aviation Administration Form 7480-1, "Notice of Land Area Proposal."

   b. A copy of the letter of "No Objections" from the Federal Aviation Administration.

   c. A copy of the Commonwealth of Pennsylvania Application for Approval of a Land Site, AV-4, and necessary supplemental information or equivalent and the letter of site approval from the Pennsylvania Department of Transportation, Bureau of Aviation.

   d. An aerial photograph or drawing, either of which shall be at a scale no less than one (1) inch equals two hundred (200) feet, indicating the approach and departure routes, the location of all residents, schools, churches, hospitals, and areas used for the open assembly of people, as well as other noise sensitive areas within the radius of one-half (½) mile of the proposed helistop or heliport sites.

C. In addition to the requirements in Sections 1408.A and 1408.B, heliports shall meet the following requirements:

1. Heliports shall be located a minimum of one thousand (1,000) feet from any dwelling unit.

2. The applicant shall submit a land development plan for review and approval by the Township.

3. Heliports shall meet all requirements of the Zoning Ordinance for the district of its proposed location.

4. The proposed site shall be fenced with a minimum height of four (4') feet with at least two openings, except those located on the rooftops. The fence shall be located so as not to obstruct the glide angle of the helicopter using the heliport.

5. The proposed heliport shall not adversely affect the health and safety of the citizens both in and surrounding Middle Paxton Township.

6. The applicant shall also make full compliance with those guidelines and regulations for helistops and heliports or similar facilities as outlined in the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Aviation, Title 67, regulations relating to Pennsylvania Aviation, as amended.

D. In reviewing any application for an airport, heliport or helistop the Zoning Hearing Board may impose the following conditions on such uses:

1. Hours of operation

2. Lighting

3. Noise level

4. Flight altitude over residential areas

5. Number of takoffs and landings.

6. Other requirements as may be reasonable and appropriate to protect the health, welfare and safety of Township residents and their property

Section 1409. Automobile Body Shop (Autos, Trucks, or any type of vehicle)

Automobile, truck or any type of vehicle body service and repair facilities may be permitted by special exception in the C-I District subject to the following criteria:

A. All auto body service and/or repair activities shall be conducted within a wholly-enclosed building.

B. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.

C. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned or residentially-used properties and roads.

D. The storage of unlicenced vehicles for more than thirty (30) days is prohibited.

E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially-zoned or used property and conform to all outside agency requirements.

F. All vehicles shall be repaired and removed from the premises within thirty (30) days.

G. The demolition or junking of vehicles, trailers, boats and other machinery is prohibited.

H. The provisions of Section 1311 shall also apply to the Auto Body shops.

Section 1410. Automobile Garage, Major

An Automobile Garage, Major, is permitted as a Special Exception in the C-O and C-I Districts subject to the following criteria:

A. All service and/or repair activities shall be conducted within a wholly-enclosed building.

B. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.

C. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads.

D. The storage of unlicenced vehicles for more than thirty (30) days is prohibited.

E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially-zoned or used property and conform to all outside agency requirements.

F. All vehicles shall be repaired and removed from the premises within thirty (30) days.

G. The demolition or junking of vehicles, trailers, boats and other machinery is prohibited.

H. All repair work creating a noise nuisance shall be performed inside a building.

Section 1411. Bed and Breakfast Homes and Bed and Breakfast Inns

A. All applications for special exceptions for Bed and Breakfast Homes, and Bed and Breakfast Inns must adhere to the requirements of Sections 1401, 1402, 1403, and 1404.

B. A Bed and Breakfast Home shall be allowed only in an owner-occupied single-family, detached residential dwelling or buildings accessory thereto.

C. The owners of a Bed and Breakfast Home or Bed and Breakfast Inn must be in the residence when guests are present.

D. Accommodations for overnight lodging at a Bed and Breakfast Home shall be limited to no more than five (5) guest rooms and to no more than ten (10) guests at a given time. Accommodations for overnight lodging in a Bed and Breakfast Inn shall be limited to no more than ten (10) guest rooms and to no more than twenty (20) guests at a given time. The guest rooms for both Bed and Breakfast Homes and Inns shall be rented to overnight guests on a daily basis for periods not exceeding one week.

E. Accommodations at Bed and Breakfast Homes and Inns may include breakfast prepared on the premises for guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the registered guests. Catered food service from a licensed facility is permitted without additional licensing requirements.

F. No cooking facilities shall be provided or permitted in individual guests rooms.

G. A Bed and Breakfast Home or Inn shall be required to obtain a state highway occupancy permit or Township driveway permit, as appropriate.

H. A Bed and Breakfast Home or Inn must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under the this Ordinance or as attached by the Zoning Hearing Board.

I. A Bed and Breakfast Home or Inn must provide for buffer yards when determined necessary by the Zoning Hearing Board in conformance generally with the buffer program as set forth under Section 1304 of the this Ordinance.

J. For lighting requirements, see Section 1300.G.

K. The use of a residential dwelling for a Bed and Breakfast Home or Inn must be approved by the Township's Sewage Enforcement Officer and system upgraded if necessary.

L. Not more than one person for the housekeeping functions of the use other than the occupants of the Bed and Breakfast Home or Inn shall be employed by the Home or Inn.

M. No goods may be publicly displayed for sale on the premises.

N. A traffic impact study shall be prepared if deemed necessary by the Board of Supervisors.

O. For sign requirements, see Article 16.

P. For parking requirements, see Article 17.

Q. The source of water to be used by the Bed and Breakfast Home or Inn shall be a potable water source as certified test laboratory and a certified provider.

R. All group quarters shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

Section 1412. Child Care Center

A child care center shall be permitted as a special exception in the C-O and C-I Districts subject to the following provisions:

A. The care center shall meet all requirements for certification and/or registration by the State of Pennsylvania where required. Proof of such certification and any recertification shall be provided to the Township.

B. Whenever a child care center is located in a C-I District in a building which is also used and occupied for industrial purposes, the Fire Department of the Township shall conduct semi-annual inspections to determine whether the industrial occupants of such building are storing or processing combustible or flammable materials in such quantities as to be considered hazardous or toxic to the health, safety or welfare of the occupants of the child care center. Should such materials in such quantities be found to exist, the Fire Department shall require the industrial occupant or occupants upon whose premises the condition exists to correct or abate the same within thirty (30) days. If, at the end of said 30-day period, upon a further inspection, the condition shall not have been corrected or abated, then the Fire Department shall require the child care center to cease and terminate its operations at such locations within thirty (30) days of the date of notice.

C. The child care center shall provide sufficient off-street parking, consisting of at least one (1) parking space for each employee of the day care center, and at least one (1) parking space for every two (2) children enrolled in the day care center.

D. The child care center shall provide safe off-street pickup and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pick-up and drop-off points at least 60 feet from any intersection.

E. An outdoor play area shall be provided. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned or used properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

Section 1413. Child Care Homes

A child care home may be permitted as a special exception in the R-1, R-2, R-3, and MX Districts and in a detached, semi-detached or attached single or two-family dwelling subject to the following criteria:

A. Child care home shall meet all requirements for certification and/or registration by the State of Pennsylvania where required. Proof of such certification and any recertification shall be provided to the Township.

B. At least one (1) off-street parking space for each person employed, plus two (2) off-street parking spaces in addition to the off-street parking requirements for the residential use.

C. Child care homes shall also meet the provisions of Section 1424, Home Occupations.

Section 1414. Communication Towers and Antenna

Communication Towers and Antennas and Communications Equipment Buildings are authorized as a Special Exception in the A-RR District.

A. Communication Towers and Equipment Buildings shall be allowed only on hilltops and are not authorized in severe slope areas.

B. Applicants are required to show compliance with the provisions of this Section and other applicable provisions of the Zoning Ordinance.

C. Applications for Special Exceptions for the construction of communications antenna, support structures, and related facilities shall include a written report containing the following:

1. Information describing the tower height and design;
2. A cross-section of the structure;
3. Engineering specifications detailing construction of tower, base, and guy wire anchorage;
4. Information describing the proposed painting and lighting schemes;
5. Information describing the tower's capacity, including the number and type of antennas that it can accommodate;
6. All tower structure information shall be certified by a licensed professional engineer;
7. Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and functioned required without reasonable modification;
8. Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide quality of service required by law;
9. Written authorization from the property owner of the proposed site;
10. Inventory of existing antennae support structures within a two (2) mile radius of the proposed site discussing the unavailability of sites and reasons therefore; and
11. Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.

D. All other uses ancillary to the antenna, tower, and associated equipment are prohibited unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depot and vehicle storage.

E. Other standards of approval for antenna support structures and antenna related facilities include the following:

1. Setbacks.

   a. Antenna support structures shall be set back from all property lines a distance equal to the yard setbacks applicable to other structures in the zoning district.

   b. Antenna support structures shall be set back at least one hundred (100) feet from any residence.

2. Antenna Support Structure Height.

   a. The maximum height of any single antenna support structure located at a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied to the applicant.

   b. An antenna support structure may exceed the minimum allowable height to allow for the co-location of another antenna, provided that the applicant shows the evidence that the antenna support structure will be a shared location site.

3. Landscaping and Screening.

   a. If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall be preserved to the fullest extent possible. The existing woodlands shall be supplemented as needed to fully screen antenna support base structure base.

   b. If the site is not wooded, the entire perimeter of the fence surrounding the antenna support structure compound shall be planted with evergreen trees at least six (6) feet in height at the time of planting. The planting area around the antenna support structure shall have a minimum radius of ten (10) feet. The evergreens shall be planted every five (5) feet.

   c. The site shall be landscaped so as to screen the facility base tower and buildings from abutting properties.

4. Equipment or Accessory Buildings.

   Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.

5. Parking.

   At least two (2) off-street parking places shall be provided within the fenced area.

6. Security, Maintenance, and Fencing.

   a. The site shall be secured by a fence with a minimum height of six (6) feet and maximum height of eight (8) feet to limit accessibility by the general public.

b. All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.

c. All equipment and buildings shall be constructed and maintained in accordance with the Middle Paxton Township Building Code.

7. Lighting and Signs.

a. No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.

b. All communication towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction. If lighting is not required by other agencies, then lighting acceptable to the Township shall be required.

8. Color.

Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise by the Federal Aviation Administration regulations. The use of grays, blues, and greens may be appropriate.

9. Antenna Support Structure Design and Structural Integrity.

The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the applicable building code in the Telecommunications Industry Association.

10. Other.

a. Prior to issuance of a building permit for the erection of an antenna or antenna support structure, applicants must receive approval of a land development plan from the Middle Paxton Township Board of Supervisors. The land development plan must provide the information required by all applicable Township Ordinances.

b. A formal land development plan is not required if the antenna is to be mounted on the existing structure.

c. Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.

d. The applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.

e. The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable zoning regulations.

f. Certification of Insurance evidencing general liability in the minimum amount of $1,000,000 per incident and property damage coverage in the minimum amount of $1,000,000 per incident is required to cover the tower, antenna, and structures.

11. Abandonment.

a. If an antenna support structure is unused as evidence by notice to the Federal Communications Commission of intent to cease operations for a continuous period of twelve (12) months after said notice, it shall be deemed abandoned.

b. Any antenna support structure or antenna that is deemed to be abandoned must be removed within one hundred and eighty (180) days.

c. Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure as herein defined.

d. In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

Section 1415. Confined Livestock Operations

Confined Livestock Operations shall be permitted as a special exception in the A-RR District subject to the following criteria:

A. The parcel of contiguous land owned by the owner of the large livestock operation must be and remain at least fifty (50) acres. In the event the parcel of contiguous land in common ownership consists of more than one "tract" as defined in this ordinance, the owner must merge such tract by a recordable agreement with the Township, which will preclude the tract from being placed in separate ownership without Township subdivision approval.

1. Irrespective of the provisions of this section, any large livestock operation in existence prior to the enactment of this ordinance may expand such operation subject to the following limitations:

a. The gross floor area of buildings housing such livestock may not be expanded to more than double the gross floor area housing such livestock.

b. The number of equivalent animal units may not be more than doubled. For this purpose both the number of animal equivalent units present on the property prior to the enactment of this ordinance and the number permitted by this section shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A, referred to in the Pennsylvania Code (Section 83.212).

2. Any building constructed after the date of the enactment of this ordinance to house animals in a large livestock operation must maintain the following setbacks:

a. From a dwelling not owned by the owner of the large livestock operation, a church, a building used in connection with a home occupation or small business, or other building occupied by human beings at least ten (10) hours a week - five hundred (500) feet.

b. From a property line - one hundred (100) feet.

c. Buildings housing animals shall not be located within the floodplain.

d. From a well not owned by the owner of the large livestock operation - one hundred (100) feet.

e. Irrespective of the setback requirements of this section, a new building to provide housing for animals may be located in the aforesaid setback area provided:

i. There was prior to the enactment of this ordinance, another building housing animals within the required setback area.

ii. The new building housing livestock will not project further into the required setback area than did the building in existence prior to the enactment of this ordinance.

iii. The number of equivalent animal units (see Section 1415.A.1.b) on the parcel where the large livestock operation is or will be located, after construction of the proposed building, not be more than three times the number that were present on such tract prior to the enactment of this ordinance.

3. The owner of the large livestock operation must establish and maintain an access to the large livestock operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left hand side of the public highway. Such access is required only for motor vehicles going in one direction with the direction of travel to be selected by the Township, provided such vehicles do not in fact travel in the other direction. In the event vehicles should travel in the other direction, the owner of the large livestock operation shall be required to alter the access so that vehicles will not be required to enter the left side of the public highway to complete the turn. In the event motor vehicles entering or leaving the large livestock operation by making a right turn in fact enter the left lane of the public highway the owner of the operation shall revise the access so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public highway.

4. The large livestock operation must establish and maintain compliance at all times with the requirements of the *Pennsylvania Nutrient Management Law.*

5. The large livestock operation must insure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection and until such disposition, irrespective of whether such disposition occurs on the property, are kept in airtight containers if turkeys, chickens, or piglets, and are kept in a manner so as to minimize the spread of odors and disease of larger animals.

6. The owner of the property on which a building to house animals in a large livestock operation is located shall remove such building within five (5) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner attains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. Such a Use or Occupancy Certificate shall not be granted to permit use of such building for storage purposes unless:

   a. Such storage is of materials utilized in conjunction with the agricultural use of the property.

   b. At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.

   c. A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the buildings so that windows are not out, substantial rust does not appear, and the building is in otherwise reasonably good condition. Following the issuance of such Use or Occupancy Certificate, the building must be maintained in the same condition as a the time the certificate is issued.

Section 1416. Convenience Store without Gas Dispensing

Convenience Stores shall be permitted as special exceptions in the MX District subject to the following criteria:

A. Minimum lot size as defined in zoning district.

B. Provide at least one (1) parking space for every one hundred (100) square feet of retail space.

C. All height, setback and coverage standards within the underlying district shall apply.

D. Driveways shall be located as provided in this Ordinance.

E. Access drives:

   1. Minimum offset from intersection of street right-of-way lines; forty feet (40');

   2. Side lot line offset: ten feet (10');

   3. Minimum width: twelve feet (12');

   4. Maximum width: thirty-five feet (35');

   5. Minimum separation of drives on same lot: twenty-five feet (25').

F. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.

G. Signs: As permitted in Article XVI of this Ordinance.

H. Outdoor Display: All merchandise, except oil racks, shall be displayed within a building. Vending machines shall be maintained in a semi-enclosed structure or within the building.

I. Lighting: See Section 1300.G.

J. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back ups on adjoining roads.

Section 1417. Automobile or Gasoline Service Stations

In the C-O District, automobile service stations and garages shall be subject to the following standards:

A. Minimum Setbacks from Street Right-of-Way Lines:

1. Pumps: twenty-five feet (25')
2. Building: fifty feet (50')
3. Canopies: twenty feet (20')

B. Driveways shall be located as provided in this Ordinance.

C. Gasoline pumps and all service equipment shall be setback not less than twenty-five feet (25') from any lot line and so located that vehicles stopped for service will not extend over the property line.

D. Access drives:

1. Minimum offset from intersection of street right-of-way lines: forty feet (40');
2. Side lot line offset: ten feet (10')
3. Minimum width: twelve feet (12')
4. Maximum width: thirty-five feet (35')
5. Minimum separation of drives on same lot: twenty-five feet (25')

E. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.

F. Curbing: Except along access drives, a concrete curb eight inches (8") in height must be placed along all street right-of-way lines.

G. Signs: As permitted in Article 16 of this Ordinance.

H. Outdoor Display: All merchandise, except oil racks, shall be displayed within a building. Vending machines shall be maintained in a semi-enclosed structure or within the building.

I. Storage: No outdoor stockpiling of tires, auto parts, or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be

provided whenever outdoor storage is permitted. No materials may be stored so as to create a fire hazard.

J. Lighting: All lights must be diverted inward and downward.

K. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back ups on adjoining roads.

L. The outdoor storage of unlicenced vehicles is prohibited.

M. All vehicles shall be repaired and removed from the premises within thirty (30) days.

N. The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.

O. One kiosk is permitted on the gasoline service island, no larger than 10' by 10' and within the pump setbacks.

Section 1418. Domiciliary Care Unit

Domiciliary Care Units shall be permitted as special exceptions in the A-RR, R-1, and MX Districts subject to the following provisions:

A. Applicant must secure certification with the Dauphin County Area Agency on the Aging or any other official social agency prior to occupancy approval by Middle Paxton Township.

B. The dwelling must be inspected by the Township Fire Company who shall submit a written report to the Zoning Board with recommendation for fire safety equipment and any necessary recommendation to insure adequate fire protection.

C. The maximum number of unrelated persons who are eighteen years of age and above who are disabled physically, mentally, emotionally or aged, shall not exceed three per dwelling unit.

D. The Use/Occupancy permit shall be renewed annually, following an inspection by the Township Fire Company and Zoning Officer to assure compliance.

E. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single family residence.

F. The domiciliary care home must be owner occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.

G. No facilities for cooking or dining shall be provided in individual rooms or suites.

H. The home must comply with all local regulations including, but not limited to, fire, health and building codes.

Section 1419. Drive-In Facilities for Permitted Uses

Drive-In Facilities for Permitted Uses are permitted as special exceptions in the C-O District subject to the following criteria:

A. Ingress and egress standards shall meet the requirements of the Township Subdivision and Land Development Ordinance, along with the following provisions:

1. The minimum distance of any driveway to property line shall be ten (10) feet.

2. The minimum distance between driveways on the site shall be sixty-five (65) feet measured from the two (2) closest driveway curbs.

3. The minimum distance of a driveway into the site from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.

4. The angle of driveway intersection with the street shall be based upon safe traffic movements and shall be approved by the Township Engineer.

5. Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

B. All drive-in facility buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area.

C. Lighting: See Section 1300.G.

D. All drive-thru windows shall be separated from the parking lot's interior driveways and have stacking lanes of at least one hundred (100) feet in length.

E. Outside speakers shall not be discernible from any residential area.

F. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

Section 1420. Emergency Medical Treatment Facilities

An Emergency Medical Treatment Facility is permitted as a special exception in the MX, C-O, and C-I Districts subject to the following criteria:

A. Minimum lot area - 20,000 sq. ft.

B. Public sewer and public water shall be used.

C. All height area, setback and coverage standards within the underlying district shall apply.

D. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties.

E. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

F. Parking and access drive requirements shall comply with Article XVII of the Ordinance.

Section 1421. Golf Courses

Golf Courses including accessory uses (e.g., club house, parking lots, storage sheds, pro shop, snack bar, restaurant, swimming pools, etc.) may be permitted by special exception in the A-RR and R-1 Districts subject to the following criteria:

A. No separate driving range, chip n' putt, nine hole or miniature golf course shall be permitted.

B. Minimum lot area - Thirty (30) acres.

C. The construction of a golf course shall be considered a "development" and subject to all appropriate requirements.

D. All applicants shall submit plans for the following to the Township Engineer and Dauphin County Conservation District at least 30 days before the Zoning Hearing Board request for a special exception:

1. Earth moving and erosion control;

2. Run-off control for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items;

3. Water use plan, including emergency condition usage;

4. Waste water treatment and disposal;

5. Traffic study;

6. Mosquito control; and

7. Nutrient plan to ensure no excess nitrates, herbicides, pesticides, fungicides, or other fertilizer is used. When less potentially environmental alternatives are available, they shall be used.

E. No golf hole shall be arranged to require a golf ball to be driven across any building, road, or parking lot.

F. Any points when the golf course crosses a road(s) shall be signed warning motorists and pedestrians and any private road shall contain speed bumps.

G. All accessory uses of the golf course shall be set back at least two hundred (200) feet from all lot lines.

H. No outdoor maintenance of golf carts shall be permitted.

I. All golf course buildings shall be set back two hundred (200) feet from any adjoining roads and parcels.

J. All golf courses shall front and have access to an arterial road, as defined by the Pennsylvania Department of Transportation.

K. Parking shall be set back at least thirty (30) feet from any adjoining lot lines and be paved with asphalt and screened from adjoining residentially-zoned or used property and shall be in compliance with Article 17.

Section 1422. Group Day Care Homes

A Group Day Care Home is permitted as a special exception in the R-1, R-2, R-3, MX, and N-R Districts subject to the following criteria:

A. A minimum of 100 square feet of usable outdoor play space and forty square feet of usable indoor space must be provided for each child present at the facility, including resident children.

B. Outside play shall be limited to the rear yard of such facility, during the hours of 8:00 a.m. and 7:00 p.m.

C. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.

Section 1423. Group Quarters

The use and occupancy of any land, building or structure as group quarters or a group home shall be permitted as a special exception in the A-RR and C-I Districts subject to the following criteria:

A. Group Quarters. Group quarters include but are not limited to lodging or boarding houses, fraternity and sorority houses, dormitories and quarters of an institutional nature.

1. Any group quarters shall have a minimum of 350 square feet of habitable floor area provided for each occupant.

2. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if the affiliated institution provides them elsewhere.

3. All group quarters shall be connected to public water and public sanitary sewage facilities.

4. All group quarters shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

5. Off-street parking shall be provided for all group quarters based upon one (1) parking space for each occupant and each employee.

Section 1424. Home Occupations

Home occupations may be authorized in a dwelling unit or accessory building only by occupant by Special Exception in the A-RR, R-1, R-2, and R-3 Districts:

A. Home occupations shall be a business or commercial activity that is conducted as an accessory use in a principal, single family detached dwelling unit clearly incidental and secondary to the residential living use. The occupation shall be conducted entirely within a dwelling and carried on by no more than two (2) inhabitants residing therein. The exterior of the building is to be maintained in its original character as a residential dwelling and no goods are to be publicly displayed on the premises other than a sign as provided herein.

B. The granting of a special exception for a home occupation is personal to the applicant and cannot be utilized or transferred to any other person without a separate request to the Zoning Hearing Board.

C. Additional Regulations for Home Occupations:

1. Employees or pupils: Not more than one (1) person other than the occupants of the dwelling unit shall be employed. Provided, however, the restrictions with respect to non-occupants shall not include additional practitioners in the primary practice or work performed in the office but shall be restricted to clerical and other support personnel. No more than three (3) pupils may receive instruction at any one time.

2. Appearance: The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling unit or accessory structure. No display of products may be shown so as to be visible from outside the dwelling.

3. Signs: A name plate not larger than 288 square inches in area is permitted. It may not be illuminated.

4. Parking: In addition to the required parking for the dwelling unit, additional parking is required as follows:

   a. A minimum of two (2) additional off-street spaces for the home occupation.

   b. The Zoning Hearing Board may require additional parking if circumstances so warrant.

5. No traffic shall be generated by such home occupation in greater volumes than would be expected in a residential neighborhood.

6. Exterior storage of materials and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

7. Provisions of Section 1300 shall apply.

8. Coverage: The allowable area used for a home occupation shall not exceed twenty-five percent (25%) of the total floor space of all floors and in no case shall exceed fifty percent (50%) of the floor area of one floor.

9. Home occupations relying on groundwater shall not use water in greater volumes than would be expected in a residential neighborhood.

D. No more than one (1) home occupation may be located in any dwelling unit.

Section 1425. Junkyards

Junkyards shall be permitted as special exceptions in the C-I District subject to the following provisions:

A. The area used for junk yard purposes shall be completely enclosed with a solid fence or wall at least eight feet (8') high, constructed of opaque material, with access only through solid gates. Such fence or wall shall be located no closer to any lot line than the minimum setback requirements of the district. The area in front of the fence shall be landscaped and shielded with tress and shrubbery.

B. The contents of a junk yard shall not be placed or deposited to a height greater than the height of the fence or wall required by subsection A above.

C. Applicants shall submit plans to the Township at the time of requesting a special exception, for controlling vectors including mosquitos, rats and other vermin.

D. The junk yard shall not be located within five hundred feet (500') of a dwelling unit.

E. The collection, storage and disposal of automotive related fluids and lubricants must meet state and federal requirements.

F. All tires not mounted on a wheel shall be stored indoors.

G. Every junkyard shall be required to obtain an annual permit from the Township for continued use.

Section 1426. Kennels

Kennels shall be permitted as a special exception in the A-RR and C-I Districts subject to the following criteria:

A. Kennels shall have a minimum lot size of five (5) acres.

B. Minimum of five (5) off-street parking spaces plus one for each employee.

C. One sign shall be permitted six (6) square feet in area located a minimum of twenty (20) feet from the street right-of-way.

D. All areas used for exercise shall be securely fenced.

E. All animals shall be within a completely enclosed building which shall be a minimum of one hundred and fifty (150) feet from any property line.

F. Animals shall be permitted to exercise daily between the hours of 8 A.M. - 8 P.M. All outdoor exercise areas shall be two hundred (200) feet from any property line.

G. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

H. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.

Section 1427. Libraries

Libraries are permitted as a special exception in the R-1, R-2, and R-3 Districts subject to the following criteria:

A. Minimum lot area - 5 acre

B. Minimum lot frontage - 200 feet

C. Minimum side yard - 50 feet

D. All off-street setback parking areas shall be set back at twenty-five (25) feet from the street right-of-way line.

E. Parking requirements shall be one (1) space per each 250 square feet of floor area open to the public, plus one (1) space per each staff member per shift (See Article XVII).

F. Access Drive Requirements - See Section 1705, Non-Residential Access Drive Requirements.

G. The subject property shall have frontage along a major street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

H. A traffic study is required by the applicant.

Section 1428 Mobilehome Parks

Mobilehome parks may be permitted by special exception in the A-RR, and C-I Districts subject to the following requirements:

A. The minimum tract area shall be ten (10) acres.

B. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be not less than eight thousand (8,500) square feet in area and not less than fifty (50) feet wide at the building setback line.

C. Regardless of lot size, the side yard distances measured from outside each mobilehome to the lot line shall not be less than twenty (20) feet. Front yards shall not be less than thirty (30) feet and rear yards shall not be less than twenty (20) feet and in no case, shall the distance between any two (2) mobilehomes be less than forty (40) feet.

D. The Zoning Hearing Board shall require suitable screen planting, and may restrict the proximity of mobilehomes or other improvements to adjoining properties, and may attach such other conditions or safeguards to the use of land for a mobilehome park as the Board may deem necessary to protect the general welfare.

E. A mobilehome park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

F. Must also comply with the provisions of the Subdivision and Land Development Ordinance of Middle Paxton Township as amended.

G. At least a total of three (3) off-street parking spaces are available for use by the owner-occupant and tenant.

Section 1429 Natural Production Uses

Quarries and mines for the extraction of stone and minerals may be permitted by special exception in the C-I District. Such facilities shall comply with all regulations generally applicable to special exception uses and shall in addition comply with the following regulations:

A. As a part of each application, the applicant shall furnish an accurate survey site plan at a scale no less than one (1) inch equal four hundred (400) feet, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:

1. The boundaries of the proposed affected area, together with drainage area above and below the area.

2. The location and names of the types and resources to be extracted or quarried and names of all natural and manmade features such as streams, roads, railroads, and utility lines on or immediately adjacent to the area.

3. The location of all buildings within one thousand (1,000) feet of the parcel and the names and addresses of the owners and present occupants, and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.

4. The purpose for which each building is used and estimated depth of the proposed operation and land area to be excavated with dimensions.

5. Proposed alterations to water courses to assure stream quality and quantity.

6. The name of the owner of the affected area and total acreage, and the names and addresses of adjacent land owners.

7. Any proposed fencing and landscaping.

8. A contour map showing cross sections of the proposed quarry area including a detailed hydrogeologic groundwater study based on complete site studies.

B. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Zoning Hearing Board.

C. The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review

to the Zoning Hearing Board. If such special exception is granted, the operator shall continue to present such documentation to the Township when it is submitted to the Department of Environmental Protection.

D. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Non-Coal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993, No. 219, as amended, 52 P.S. 3301 et seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of the Department of Environmental Protection implementing such statutes.

E. The minimum lot area shall be fifty (50) acres.

F. A fence measuring eight (8) feet high must enclose the area of actual quarrying or excavation. It shall not be less than fifty (50) feet from the edge of excavation. The fence used shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the quarry, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. Where adjacent to a residential district or public right-of-way, trees and shrubs shall be planted which will screen the operation completely from normal view. All screenings and buffers required by Section 1304 herein shall be provided.

G. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

H. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.

I. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

J. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that waiting vehicles to be weighed will not back-up onto public roads.

K. All access drives onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right--of-way line. In addition, a one hundred (100) foot-long crushed stone section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.

L. The facility shall front upon, and gain access from, a major street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

M. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.

N. If the traffic study demonstrates that improvements to Township or state roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements.

O. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.

P. The operator shall provide the Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.

Q. There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.

R. All mining operations shall comply with the following requirements:

1. Shall not injure or detract from the lawful existing or permitted use of neighboring properties.

2. Shall not create any damage to the health, safety, or welfare of the Township or its residents or property owners.

3. Shall not pollute the air in excess of standards set by federal or state statutes or regulations.

4. Shall not create noises in excess of permitted levels established by federal or state statutes or regulations or Township Ordinances.

5. Shall not exceed the blasting parameters established by the Pennsylvania Bureau of Mining and Reclamation.

6. Shall not permit vibrations perceptible as detected by the adjacent or adjoining landowner's natural innate sensory input at any adjoining or adjacent property in different ownership or at public rights-of-way.

7. Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission.

8. Shall not permanently impede the flow of natural watercourses.

9. Shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.

S. At the time of application for a special exception, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to

the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety, or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All such operations statements shall be in full compliance with all applicable state and federal statutes and regulations as well as this Ordinance. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation including the production, transportation, processing, stockpiling, storage and disposal of products, byproducts and wastes shall be corrected by the operator.

T. At the time of application for a special exception, a reclamation plan shall also be submitted setting forth the following information:

1. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.

2. A description of the location, type, extent, methods, and time schedule for the operation proposed.

3. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.

4. A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary and which shall comply with all applicable state and federal statutes and regulations governing the reclamation of the proposed facility.

U. After the termination of operations, the area must be rehabilitated to conform with the reclamation plan and all applicable federal and state statutes and regulations.

V. Within ninety (90) days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth the following:

1. The name and address and number of the operator.

2. The location of the operation with reference to the nearest public road.

3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.

4. The name and address of the landowner or his duly authorized representative.

5. An annual report of the type and quantity of material produced.

6. The current status of the reclamation work performed pursuant to the approve reclamation plan.

7. A maintenance report for the site verifying that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed.

8. Verification that the proposed use continues to comply with all applicable State regulations. The operator shall furnish copies of any approved permits and/or any notices of violations issued by the Pennsylvania Department of Environmental Protection to the Zoning Officer.

W. A five hundred (500) foot setback shall be maintained from all property lines during the operation of the quarry or mine within which quarrying or mining activities, including blasting and stone crushing, shall not be permitted.

X. No structures or parking areas shall be located closer than one hundred (100) feet to any property line.

Y. Waste products ~~ion~~ IN waste containers may be placed within side and rear yards, provided that they are screened from adjoining roads and properties. All such containers shall be set back not less than one hundred (100) feet from any adjoining property. All such containers shall be completely enclosed by a fence or wall.

Z. Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

Section 1430. Private and Semi-Public Outdoor Recreation Areas

As a special exception, private or semi-private outdoor recreation areas may be permitted in the C-I District subject to the following provisions:

A. Parking shall be required as shall be determined to be necessary for the use and site by the Zoning Hearing Board.

B. A buffer yard of thirty feet (30') in width and a screen planting shall be provided of a height and type as approved by the Zoning Hearing Board.

C. Where an outdoor recreational use, other than a golf course, adjoins or is in a residential district trees and shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties (See Article 13, Table 13-1).

D. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via a major street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

E. The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar feature of the proposed use to minimize adverse impacts on adjacent properties.

F. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

Section 1431. Public and Non-Public Schools

Public and Non-Public Schools are permitted as special exceptions in the A-RR, R-1, R-2, and R-3 Districts subject to the following criteria:

A. All height, area, setback and coverage standards within the underlying district shall apply.

B. No part of a public/non-public school property shall be located within 1,000 ft. of a property containing an adult-related facility (as defined herein), nor three hundred feet (300') of a property containing an automobile or gasoline service station. All off-street parking shall be set back at least twenty-five feet (25') and screened from adjoining property lines.

C. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.

E. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

F. The minimum lot area for public/non-public schools will comply with the requirements of the zoning district.

G. Parking as provided for in Article 17 shall be guaranteed.

H. A traffic study is required.

I. Each school will install an inter-connected fire alarm system to an outside monitoring agent, outward swinging exit doors with a panic bar, and sprinkler system.

J. The subject property shall have frontage along a major street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

Section 1432. Public Uses and Buildings

Public Uses and Buildings are permitted as special exceptions in the A-RR, R-1, R-2, R-3 and N-R Districts subject to the following criteria:

A. Minimum lot area - 1 acre.

B. Minimum street frontage - 150 ft.

C. Minimum yard requirements:

Front yard - 30 ft.
Rear yard - 50 ft.
Side yard - 25 ft.

D. All off-street setback parking requirements shall be twenty-five (25) feet from the street right-of-way.

E. Parking requirements shall be in accordance with Section 1701.C.2.

F. Access Drive Requirements - See Section 1705, Non-Residential Access Drive Requirements.

G. The subject property shall have frontage along a major street as defined in this Ordinance.

H. No building shall be erected to a height in excess of thirty-five (35) feet.

I. All utilities shall be installed underground.

Section 1433. Riding Academies and Boarding Stables

Riding Academies and Boarding Stables shall be permitted by special exception in the A-RR District subject to the following provisions:

A. Shall have a minimum lot size of five (5) acres.

B. Signs shall meet the provisions of Article 16.

C. All animals except while exercising or pasturing shall be confined in a building erected or maintained for that purpose.

D. The building required by subsection C hereof, shall not be erected or maintained within three hundred feet (300') of any lot line and seventy-five feet (75') from any public or private road.

E. All areas used for exercising and pasturing shall be securely fenced.

F. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

G. No more than ten (10) equine are kept with the exception that one (1) additional equine may be kept for each additional acre of land over five (5) acres.

H. The building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each added equine.

I. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five feet (25') from all property lines. All enclosures shall be set back a minimum of one hundred feet (100') from any adjacent residence whose owner is not the owner of this use.

J. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence

delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties. There shall be one (1) space for each non-resident employee and one (1) space for every two (2) equines kept on the property.

Section 1434. School, Commercial

A commercial school is permitted in the C-I District as a special exception subject to the following criteria:

A. All buildings shall be setback at least fifty feet (50') from any property line and one hundred (feet) from the street line.

B. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.

C. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

D. Parking as provided for in Article 17 shall be guaranteed.

E. The subject property shall have frontage along a major arterial road, minor arterial road, or a collector road as defined in the Middle Paxton Township Comprehensive Plan, as amended.

F. Maximum building coverage shall be thirty percent (30%).

G. Lot coverage of impervious surface shall be no greater than eighty percent (80%).

Section 1435. Skeet, Rifle or Archery Range

Skeet, Rifle or Archery Ranges shall be permitted as special exceptions in the A-RR District subject to the following requirements:

A. Skeet and rifle ranges shall be directed away from residential areas and adequate backstopping shall be provided to protect surrounding areas from stray bullets or arrows.

B. Outdoor firearm shooting hours shall be limited from 10:00 a.m. to one (1) hour before sunset.

C. No hunting shall be permitted on the grounds within specified safety zones of on-site or off-site buildings and dwellings.

Section 1436. Solid Waste Processing and/or Disposal Facilities

Facilities for the disposal of municipal or residual solid waste shall be as a permitted by Special Exception in the C-I District subject to the following:

A. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Zoning Hearing Board.

B. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the

Zoning Hearing Board. If such special exception is granted, the operator shall continue to present such documentation to the Township when it is submitted to the Pennsylvania Department of Environmental Protection.

C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Department of Environmental Protection implementing such statutes.

D. Operation of the facility shall at all times comply with all applicable regulations of the Dauphin County Solid Waste Authority or any successor agency. Any permits or approvals required by such agency shall be obtained by the applicant and evidence of the grant of such permits or approvals shall be submitted to the Township.

E. The minimum lot area shall be fifty (50) acres for solid waste disposal facilities and ten (10) acres for solid waste processing facilities.

F. A fence measuring eight (8) feet high shall enclose the facility. The fence used shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. All screenings, and buffers required by Section 1304 shall be provided. The use shall be screened completely from normal view.

G. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with the accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set for the conclusions and recommendations of the professional.

H. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks, or other means to deny access at unauthorized times.

I. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

J. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back upon onto public roads.

K. All driveways onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of access drives shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.

L. The facility shall front upon, and gain access from, a rural major street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

M. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.

N. If the traffic study demonstrates that improvements to Township or state roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements.

O. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.

P. The operator shall provide the Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.

Q. Operating schedule shall be provided by the applicant and subject to review.

R. Litter control measures shall be implemented to prevent scattering of materials and a plan for the clean-up of litter shall be submitted to the Township.

S. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area.

T. A three hundred (300) foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall be permitted.

U. No structures or parking areas shall be located closer than three hundred (300) feet to any property line.

V. Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

W. The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operation. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

Section 1437. Special Occasion Home

Where permitted by special exception, a Special Occasion Home may be established subject to the following:

A. All applications for special exceptions for Special Occasion Homes must adhere to procedures, requirements, and criteria of Sections 1401, 1402, 1403, and 1404.

B. A parcel of land of not less than five (5) acres shall be required for a Special Occasion Home.

C. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.

D. A Special Occasion Home shall obtain a state highway occupancy permit or a Township driveway permit, if appropriate.

E. Catered food service from a licensed facility is permitted without additional licensing requirements.

F. A Special Occasion Home must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as a applicable under this Ordinance or as attached by the Zoning Hearing Board.

G. A Special Occasion Home must provide for buffer yards as specified under Section 1304.

H. No offensive odor, noise, vibration, lighting, etc., should be emitted from the use.

I. The use of a residential dwelling for a Special Occasion Home must be approved by the Township's Sewage Enforcement Officer and system upgraded if necessary.

J. A traffic impact study shall be prepared if deemed necessary by the Board of Supervisors.

K. For sign requirements, see Article 16.

L. For parking requirements, see Article 17.

M. The source of water to be used by the Bed and Breakfast Home or Inn shall be a potable water source as certified test laboratory and a certified provider.

N. All group quarters shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

Section 1438. Race Tracks

Race tracks shall be permitted as a special exception in the C-I District subject to the following criteria:

A. Minimum acreage shall be twenty-five (25) acres.

B. The minimum setbacks of all structures from public roads shall be one hundred (100) feet.

C. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from the entrance of the principle use at the time of approval.

D. Access to such facility shall be by a paved road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

E. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not used on a regular or frequent basis, parking may

be provided on adjacent parcels of land provided that any parcel so used is located no more than five hundred (500) feet form the lot boundary.

F. Any lighting provided at such facilities shall be subject to the provisions of Section 1300, G, Outdoor Lighting of the Middle Paxton Township Zoning Ordinance.

G. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

H. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

I Noise from the race track shall not exceed 80 decibels at one hundred (100) feet from the race track.

J. Hours of operation of the race track shall be between 10:00 A.M. and 10:00 P.M.

Section 1439. Power Generation Facilities

Power generation facilities shall be permitted as a special exception in the C-I District subject to the requirements of the district as modified herein:

A. Heat, glare, radiation, noise, vibration, fumes, odors, or other objectionable emissions.

Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.

Heat criteria
Glare criteria
Radiation criteria
Noise criteria
Fumes criteria
Odor criteria
Other criteria

B. Outdoor storage and waste disposal.

1. No material or wastes shall be deposited upon a site in such form or manner that they may be transferred off site by natural causes or forces.

2. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.

3. The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply

with all local, state and federal distance and other safety requirements applicable to the types of storage stated in this subsection.

C. The proposed facility shall comply with all applicable federal and state air, waste quality, environmental and regulatory permits and requirements including but not limited to the permits and approvals listed below. Approval wold be contingent on the granting of the required permits and approvals.

1. NPDES water quality and earth disturbance permits.

2. Section 404 of the Clean Water Act.

3. Chapter 105 Encroachment Permit.

4. Water Consumptive Permit from Susquehanna River Basin Commission.

5. Water Allocation/Withdrawal Permit from Pennsylvania Department of Environmental Protection.

6. Air Quality Permits.

7. Public Utility Commission Approvals.

D. Landscape Requirements

1. The landscape provisions in this are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year round landscape, and to provide for the mitigation of environmental impacts.

2. Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this ordinance.

3. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.

4. Parking shall not be permitted in the landscape setback abutting any street.

E. Emergency Plan of Access

A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. The owner's plan of action for emergency access to the building shall be submitted to the Township and the fire companies at the time of submission for a building permit.

Section 1440. Sale Agricultural Products

The display and retail sale of agricultural products such as vegetables, fruits and eggs may be permitted by special exception in the R-1 District subject to the following conditions:

A. That such a structure may only be erected and operated on land which is neither leased or rented, but is owned in whole or in part by the seller of the agricultural products.

B. That at least one half of the products shall be restricted to agricultural products grown and produced by the seller.

C. That off-street parking for at least three (3) cars be available.

D. That the structure be located at least twenty-five feet (25') from any property line.

E. That such structure not exceed 2,000 square feet of floor space devoted to the seller of agricultural products.

Section 1441. Conditional Uses

A. Filing of Conditional Use. For any use that may be permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use must show:

1. Ground floor plans and elevations of proposed structures.

2. Names and addresses of adjoining property owners including properties directly across a public right-of-way.

3. Plan Required:

   a. A scaled (1"=100') drawing (site plan) certified by a licensed engineer, surveyor or landscape architect, or accompanied by a sworn affidavit of the applicant that the drawing is true and correct, for the proposed development shall be submitted with the application for a permitted special exception.

   b. Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this Ordinance.

4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

B. General Criteria. Each applicant must demonstrate compliance with the following:

1. Where appropriate, there should be the presence of adjoining compatible uses.

2. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety, or welfare of the neighborhood.

3. The proposed use shall not detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potentially decrease the value of surrounding properties.

4. The proposed use will not effect a change in character of the subject property's neighborhood.

5. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, etc.)

6. For development within the Floodplain that the application complies with those requirements listed in Article 12 of this Ordinance and the necessity of the development to be located in the floodplain.

7. The proposed use shall comply with those criteria specifically listed in the Specific Criteria and General Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

8. The proposed use shall not impair the integrity of the Township's Comprehensive Plan.

9. The parking, traffic, and pedestrian access shall be in conformance with those specified in Article 17 and elsewhere in this Ordinance.

10. The proposed use is incompatible with the existing traffic conditions and adjacent uses.

11. Screening, landscaping, and slope are sufficient to prevent negative impact upon surrounding uses and shall comply with Articles 11 and 13.

12. The use of this site complies with the requirements of any other public agency having jurisdiction over the proposed use.

13. Operations in connection with a conditional use shall not be more objectionable to nearby properties than would be the operations of the permitted use.

14. The burden of proof shall rest with the applicant.

C. Hearing Procedure. Before voting on the approval of a conditional use, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The Township Supervisors shall submit each such application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

D. Specific Criteria. In addition to the general criteria listed in Section 1440.B, the following sets forth specific standards that shall be applied to each individual conditional use. These standards must be satisfied prior to approval of a conditional use by the Middle Paxton Township Board of Supervisors.

1. Hospitals

Hospitals may be established upon approval by the Board of Supervisors. All applicants shall provide evidence that the Hospital will be conducted in a manner that will not be

detrimental to neighboring property owners. Hospitals may be established in the R-2 District subject to the following criteria:

a. Minimum lot area - five (5) acres.

b. Minimum street frontage - three hundred (300') feet.

c. Public sewer and public water shall be used.

d. The subject property shall have frontage along a major street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

e. All height area, setback and coverage standards within the underlying district shall apply.

f. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties.

g. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

h. A traffic study is required.

i. Parking and access drive requirements shall comply with Article 17 of the Ordinance.

2. Colleges and Universities

Colleges and Universities may be established upon approval by the Board of Supervisors. All applicants shall provide evidence that the College or University will be conducted in a manner that will not be detrimental to neighboring property owners. Colleges and Universities may be established in the R-2 District subject to the following criteria:

a. Minimum lot area - five (5) acres.

b. All height, setback and coverage standards within the underlying district shall apply.

c. Public sewer and public water shall be used.

d. The subject property shall have frontage along a major street.

e. Parking and non-residential access drive requirements as provided for in Article 17 shall be guaranteed.

f. A traffic study is required.

3. Public Utility Buildings and Structures

Public Utility Buildings and Structures may be established upon the approval of the Board of Supervisors. The following standards shall apply to Public Utility Buildings and Structures

a. The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.

b. If located within a Residential District, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

c. In any Residential District, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall not be permitted; in a non-residential district, all outdoor storage parking and/or loading areas shall be screened from adjoining roads and all properties. In addition, landscape regulations for the district shall be followed.

d. There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear yard setbacks, and comply with the maximum lot coverage requirements and impervious surface bed as prescribed in the underlying district.

e. All structures shall be set back a distance at least equal to the height of the structure, from all adjoining property lines, and height regulations for the district shall be followed.

f. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance, or safety hazard beyond the subject property.

D. Additional Conditions and Safeguards. The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of the ordinance and be subject to the penalties described in this Zoning Ordinance.

E. Site Plan Approval. Any site plan presented in support of the conditional use pursuant to Section 1440 shall be an official part of the record for said conditional use. Approval of any conditional use shall also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

F. Time Limitation.

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.

2. Should the applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit shall he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.

3. Should the applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or recission of the action is justified.

4. As an alternative to the proceeding, an applicant can request, as part of the original application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 1, 2, and 3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Supervisors must establish and bind a definite time frame for: a) issuance of a zoning permit; and b) completion of construction of the project.

Section 1500. Continuation

All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained. All nonconforming uses shall comply with the provisions of Article 15.

Section 1501. Existing Non-conforming Lots of Record

In any district in which single family detached dwellings are permitted and notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customarily accessory buildings may be erected on any single lot of record which was present at the effective date of adoption or amendment of this Ordinance passed November 6, 2000. Such a lot shall be in separate ownership and not have continuous road frontage with other lots of the same and separate ownership. This provision shall apply even if the lot fails to meet the requirements for lot area or lot width or both, for the district in which the lot is presently located, provided that the yard dimensions, coverage and other requirements of this Ordinance not involving lot area or lot width shall conform to the regulations for the district in which it is located.

Section 1502. Alterations and Reconstruction

A. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.

B. A nonconforming building which is damaged by fire, explosion, or an act of God, may be rebuilt and used for the same purposes, provided that:

1. The reconstruction of the building is commenced within one (1) year from the date of the destroying of the building and is carried to completion without undue delay, and

2. The reconstructed building does not exceed in height, area, and volume, the building destroyed.

Section 1503. Extensions, Expansions, and Enlargements

Land, building, or buildings occupied or used for residential or non-residential purposes which are nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and buildings shall be reviewed by the Zoning Officer in accordance with the following standards:

A. Any extension, expansion or enlargement of a nonconforming building use shall be permitted only once.

B. Any expansion or enlargement of a nonconforming building or use shall not exceed fifty percent (50%) of the total gross floor area of the nonconforming building.

C. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.

D. All required parking spaces for any expansion or enlargement shall comply with the requirements of Article 17.

E. Any extension, expansion or enlargement or a nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.

F. All commercial non-conforming users will be referred to the Zoning Hearing Board for their review and approval.

Section 1504. Change of Use

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

Section 1505. Abandonment and Discontinuance

A. If a nonconforming use of a building or land is abandoned or ceases for a period of one year or more, the nonconforming status thereof shall be lost, and the subsequent use of such building or land shall be in conformity with all the provisions of this Ordinance.

B. The removal of a nonconforming mobile home from the site it occupied shall constitute abandonment of the site so occupied and subsequent use of said site shall conform with the provisions of this ordinance.

C. The removal of a mobile home from a residential lot already occupied by a residential building shall constitute abandonment of the nonconforming use and such use shall not thereafter by permitted.

D. Mobile home parks, trailer camps or trailer parks, which are nonconforming under the terms of this Ordinance shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of the Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

Section 1506. Registration

A. Nonconforming uses and structures shall be reported to the Zoning Officer by the owner, user, lessor, or lessee, and be registered by the Zoning Officer within one (1) year of the effective date of this Ordinance. The Zoning Officer shall certify the existence of the nonconforming uses and/or structures.

B. A Certification of Nonconformance shall be issued by the Zoning Officer for all structures in conflict with the use designated for the zone in which they are situated, when requested by the owner of such structure.

C. Upon notification, each occupant or owner of a premises used for nonconforming use shall make available such information as may be necessary to determine the extent and nature of the nonconforming use.

D. Should a nonconforming use or building not be reported or identified, the owner of the nonconforming use shall have the right to show by a preponderance of the evidence to the zoning hearing board that the use or building was nonconforming upon the effective date of this ordinance.

Section 1600. Purpose

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It also protects property values; creates a more attractive economic and business climate, enhances and protects the physical appearance of the community, preserves the scenic and natural beauty of designated areas and provides a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and to curb the deterioration of natural beauty and community environment. Therefore, signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

Section 1601. Permitted Permanent Signs

A. Subject to the provisions of this article, only the following types of permanent signs are permitted:

1. P-1: All signs and signals owned or operated by the Township or other governmental agencies.

   Max. No. Permitted: Unlimited
   Max. Area Permitted: Unlimited
   Minimum Setback from Road Right-of-Way: Unlimited
   Max. Height Attached: Unlimited
   Max. Height Freestand: Unlimited
   Max. Projection from Building: Unlimited
   Zones Permitted: All
   Permit Required: No

2. P-2: Identification signs for public and for semi-public facilities such as schools, churches, hospitals, libraries, clubs, and public utilities. An individual letter fascia sign exceeding twenty-five (25) square feet in any area may be permitted by special exception where such sign lends itself to the architecture and appearance of the structure to which it is attached.

   Max. No. Permitted: One (1) per frontage
   Max. Area Permitted: 25 sq. ft. per sign
   Minimum Setback from Road Right-of-Way: 10 ft.
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: Yes

3. P-3: Nameplate identifying the owner or resident of a private property. Such sign may be in addition to normal name and address on or attached to a mailbox, which signs are not subject to the regulations of this Article.

   Max. No. Permitted: One (1) per dwelling unit
   Max. Area Permitted: 3 sq. ft. per sign
   Minimum Setback from Road Right-of-Way: Five (5) feet from road right-of-way

Max. Height Attached: 10 ft.
Max. Height Freestand: 6 ft.
Max. Projection from Building: 12 in.
Zones Permitted: All
Permit Required: No

4. P-4: Memorial or historical markers or tablets.

Max. No. Permitted: One (1) per event
Max. Area Permitted: 6 sq. ft. per sign
Minimum Setback from Road Right-of-Way: Five (5) feet from street right-of-way
Max. Height Attached: 10 ft.
Max. Height Freestand: 10 ft.
Max. Projection from Building: 12 in.
Zones Permitted: All
Permit Required: No

5. P-5a.: Signs indicating the private nature of a road, driveway or other premises.

Max. No. Permitted: One (1) per driveway
Max. Area Permitted: 2 sq. ft. per sign
Minimum Setback from Road Right-of-Way: Five (5) feet from street right-of-way
Max. Height Attached: 10 ft.
Max. Height Freestand: 6 ft.
Max. Projection from Building: 12 in.
Zones Permitted: All
Permit Required: No

P-5b.: Signs controlling the use of private property, such as the prohibition of hunting, fishing, or trespassing.

Max. No. Permitted: One (1) per 50 ft. of property line
Max. Area Permitted: 2 sq. ft. per sign
Minimum Setback from Road Right-of-Way: Five (5) feet from street right-of-way
Max. Height Attached: 10 ft.
Max. Height Freestand: 6 ft.
Max. Projection from Building: 12 in.
Zones Permitted: All
Permit Required: No

6. P-6a: On site directional signs.

Max. No. Permitted: One (1) per entrance and exit
Max. Area Permitted: 2 sq. ft. Will not obstruct traffic and no advertising permitted.
Minimum Setback from Road Right-of-Way: Five (5) feet from street right-of-way
Max. Height Attached: Not permitted
Max. Height Freestand: 3 ft.
Max. Projection from Building: Not permitted
Zones Permitted: All
Permit Required: No

P-6b: On-site traffic control signs

Max. No. Permitted: Unlimited
Max. Area Permitted: Per PADOT specifications
Minimum Setback from Road Right-of-Way: Per PADOT specifications
Max. Height Attached: Per PADOT specifications
Max. Height Freestand: Per PADOT specifications
Max. Projection from Building: Per PADOT specifications
Zones Permitted: All
Permit Required: Per PADOT Specifications

7. P-7a: Freestanding business signs, excluding Shopping Center, Shopping Plaza, or Mall.

Max. No. Permitted: One (1) double faced per lot
Max. Area Permitted: 25 sq. ft. per sign face
Minimum Setback from Road Right-of-Way: 10 ft.
Max. Height Attached: Not permitted
Max. Height Freestand: 10 ft.
Max. Projection from Building: Not permitted
Zones Permitted: MX, C-O, C-I
Permit Required: Yes

P-7b: Attached business signs, excluding Shopping Center, Shopping Plaza, or Mall.

Max. No. Permitted: One (1) per building face
Max. Area Permitted: 25 sq. ft.
Minimum Setback from Road Right-of-Way: Same as building setback
Max. Height Attached: On or below fascia
Max. Height Freestand: Not permitted
Max. Projection from Building: 12 in.
Zones Permitted: MX, C-O, C-I
Permit Required: Yes

8. P-8a: Freestanding Commercial Sign for Shopping Center, Shopping Plaza or Mall. Note: Individual stores are prohibited from individual freestanding signs.

Max. No. Permitted: One (1) per road frontage
Max. Area Permitted: 200 sq. ft.
Minimum Setback from Road Right-of-Way: 25 ft.
Max. Height Attached: Not permitted
Max. Height Freestand: 35 ft.
Max. Projection from Building: Not permitted
Zones Permitted: MX, C-O, C-I
Permit Required: Yes

P-8b: Attached Commercial Signs for individual stores within a Shopping Center, Shopping Plaza or Mall.

Max. No. Permitted: One (1)
Max. Area Permitted: 25 sq. ft.
Minimum Setback from Road Right-of-Way: Equal to building setback
Max. Height Attached: Top of building fascia
Max. Height Freestand: Not permitted
Max. Projection from Building: 12 in.
Zones Permitted: MX, C-O, C-I
Permit Required: Yes

9. P-9: Billboards and outdoor advertising

Max. No. Permitted: See Section 1605
Max. Area Permitted: 300 sq. ft.
Minimum Setback from Road Right-of-Way: 50 ft.
Max. Height Attached: 25 ft.
Max. Height Freestand: 25 ft.
Max. Projection from Building: Not permitted
Zones Permitted: C-I
Permit Required: Yes

10. P-10: Home occupation signs. One (1) home occupation sign shall be permitted per dwelling unit. A home occupation sign may be a wall, freestanding or projecting sign.

Max. No. Permitted: One (1) per dwelling unit
Max. Area Permitted: 4 sq. ft.
Minimum Setback from Road Right-of-Way: 2 ft.
Max. Height Attached: 6 ft.
Max. Height Freestand: 6 ft.
Max. Projection from Building: 12 in.
Zones Permitted: Where use is permitted
Permit Required: Yes

11. P-11: Sign identifying multi-family dwellings.

Max. No. Permitted: One (1) per road frontage
Max. Area Permitted: 6 sq. ft.
Minimum Setback from Road Right-of-Way: 15 ft.
Max. Height Attached: Top of building fascia
Max. Height Freestand: 10 ft.
Max. Projection from Building: 12 in.
Zones Permitted: R-2, R-3, MX
Permit Required: Yes

12. P-12: Sign advertising a Bed and Breakfast Home or Inn, and a Special Occasion Home.

    Max. No. Permitted: One (1) per road frontage
    Max. Area Permitted: 6 sq. ft.
    Minimum Setback from Road Right-of-Way: 8 ft.
    Max. Height Attached: Top of building fascia
    Max. Height Freestand: 8 ft.
    Max. Projection from Building: 12 in.
    Zones Permitted: A-RR
    Permit Required: Yes

Section 1602. Permitted Temporary Signs

A. Subject to the other provisions of this article, only the following types of temporary signs are permitted throughout the Township:

1. T-1: Signs identifying architects, engineers, contractors, tradesmen or others engaged on construction work on premises wherein their work is proceeding. Such signs shall be removed as soon as the work ceases or is completed.

   Max. No. Permitted: One (1) per each separate firm involved in work on the site
   Max. Area Permitted: 20 sq. ft. per sign
   Minimum Setback from Road Right-of-Way: 15 ft.
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

2. T-2: Real Estate signs on individual properties of less than three (3) acres that are for sale, rent or lease or which have been sold, rented or leased. Signs to be removed within one week of sale, rent or lease agreement.

   Max. No. Permitted: One (1) per road frontage
   Max. Area Permitted: 6 sq. ft. per sign
   Minimum Setback from Road Right-of-Way: 15 ft.
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

3. T-3: Real Estate signs or properties of three (3) acres or more, offering for sale, rent, lease or subdivision for commercial, residential or industrial use. Signs to be removed within one week of date of sale, rent or lease agreement.

   Max. No. Permitted: Two (2) per road frontage
   Max. Area Permitted: 25 sq. ft. per each sign
   Minimum Setback from Road Right-of-Way: 15 ft. or building face
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

4. T-4: Signs announcing proposed housing development, apartments or office complexes. Signs to be removed upon completion of development or within 18 months of placement, whichever comes first.

   Max. No. Permitted: Two (2) per road frontage
   Max. Area Permitted: 25 sq. ft. per sign
   Minimum Setback from Road Right-of-Way: 15 ft. or building face
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All, must be use permitted and development approved
   Permit Required: Yes

5. T-5: Signs announcing proposed commercial, industrial or other non-residential development. Signs to be removed within one year of erection.

   Max. No. Permitted: Two (2) per road frontage
   Max. Area Permitted: 25 sq. ft. per each sign
   Minimum Setback from Road Right-of-Way: 15 ft. or building face
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All, must be use permitted and development approved
   Permit Required: Yes

6. T-6: Signs announcing grand openings, new ownership or change of use, on the site of the permitted use. Signs shall be removed thirty (30) days after erection.

   Max. No. Permitted: 1 per lot (attached or freestanding)
   Max. Area Permitted: 32 sq. ft. per each sign
   Minimum Setback from Road Right-of-Way: 15 ft. or building face
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

7. T-7: Signs, advertising the temporary sale of agricultural products raised on property for which it is being sold. Signs to be displayed only when products are on sale or one week prior to sale.

   Max. No. Permitted: Two (2) per lot
   Max. Area Permitted: 6 sq. ft. per each sign
   Minimum Setback from Road Right-of-Way: 10 ft. or building face
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

8. T-8: Temporary signs announcing a special event. (Does not include Yard/Garage Sales and temporary reduction in prices). Sign shall not exceed thirty (30) consecutive days at any site within the Township nor exceed two special events per year. Special event signs for charitable or non-profit organizations shall be exempt from requirement limiting signs to two (2) special events per year but shall be subject to all other requirements for T-8 signs.

   Max. No. Permitted: One (1) per road frontage
   Max. Area Permitted: 32 sq. ft. per each sign
   Minimum Setback from Road Right-of-Way: 15 ft. or building face
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

9. T-9: Yard Sale and Garage Sale Signs - Signs may be erected only during the days of the sale and one week prior to the sale. Sign must be removed within 48 hours of the sale.

   Max. No. Permitted: Two (2) per lot
   Max. Area Permitted: 6 sq. ft. per each sign
   Minimum Setback from Road Right-of-Way: 5 ft.
   Max. Height Attached: Top of building fascia
   Max. Height Freestand: 10 ft.
   Max. Projection from Building: 12 in.
   Zones Permitted: All
   Permit Required: No

10. T-10: Political posters, banners, signs, etc. about candidates, political parties and ballot issues. Allowed four (4) weeks prior to election and two (2) weeks following election.

    Max. No. Permitted: N/A
    Max. Area Permitted: 16 sq. ft. per each sign
    Minimum Setback from Road Right-of-Way: 15 ft.
    Max. Height Attached: 10 ft.
    Max. Height Freestand: 10 ft.
    Max. Projection from Building: 12 in.

Zones Permitted: All
Permit Required: Yes

11. T-11:Off-site directional signs are permitted for any of the above temporary uses for a period of time not to exceed those specified in the underlying temporary use.

Max. No. Permitted: One (1) per road frontage
Max. Area Permitted: 6 sq. ft. per each sign
Minimum Setback from Road Right-of-Way: 5 ft. with permission of property owner
Max. Height Attached: Top of building fascia
Max. Height Freestand: 10 ft.
Max. Projection from Building: Not permitted
Zones Permitted: All
Permit Required: No

Section 1603. Prohibited Signs

The following types of signs shall not be permitted in the Township:

A. Signs of such a design and location that they interfere with, compete for attention with or may be mistaken for a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "stop." It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by use of special preparation such as fluorescent paint or glass.

B. Any sign located in or extending into a public right-of-way, or over, or in, or into any sidewalk, except those owned or operated by duly constituted government.

C. Any freestanding or projecting sign within a clear sight triangle.

D. Any signs projecting over a public sidewalk area more than twelve inches (12") and less than nine feet (9') above sidewalk.

E. Animated, sequential, flashing, rotating, or oscillating signs.

F. Open flames used to attract public attention to a place of business or to an advertising sign.

G. Freestanding signs for individual uses within a shopping center.

H. Any sign placed on the roof or higher than the vertical walls of any structure.

I. Inflatable signs, exceeding 48 hours in any 90 day time period.

J. Any sign that emits smoke, vapors, particulate, sound or odor.

Section 1604. General Regulations for All Signs

A. Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated. Any sign which becomes dilapidated or which creates a hazard to the public

health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to the state of repair or the presence of a hazard.

B. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

C. Each sign shall be removed when the circumstances leading to its erection no longer apply.

D. Lighted signs shall be interior lighted with nonglaring lights, or shall be illuminated by shielded flood lights or spot lights, shielded so there is no direct light transmitted to other properties or public rights-of-way and otherwise comply with Section 1300.G.

E. No sign shall be located so as to interfere with visibility for motorists or pedestrians at road or driveway intersections.

F. Sign Measurements.

1. The area of the sign composed of letters only, attached to a building facade without any background material other than the building components, shall be the area within the perimeter of the entire lettered words.

2. The area of a sign composed of letters only attached to a building facade on background material to set off the letters shall be the area within the perimeter of the background material, including any molding.

3. The area of all other signs shall be the area within the perimeter of the sign structure including any molding.

G. No signs shall be nailed, wired or otherwise affixed to a utility pole or to an official traffic or road name sign or onto a bridge.

H. No sign shall be affixed to any motor vehicle or trailer in such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose. This prohibition does not apply to any vehicles with valid licenses.

I. The area immediately surrounding each sign shall be kept neat and litter-free.

J. All provisions of this chapter shall apply to the use of silos, buildings, smokestacks, water towers and similar structures as signs or billboards.

K. No sign, other than an official traffic sign, shall be erected within the right-of-way of any road, unless authorized by the governing body for a special purpose.

Section 1605. Billboards and Outdoor Advertising

Billboards and outdoor advertising devices shall be allowed only in C-I Districts in accordance with the following standards and regulations.

A. No individual billboard or outdoor advertising sign face exceed 300 square feet.

B. No billboard or advertising sign shall be permitted to be erected upon the roof of any building.

C. Billboard and advertising signs shall be required to setback fifty feet (50') from the road right-of-way.

D. No billboard and advertising sign shall be permitted to be erected within five hundred feet (500') of an adjoining Residential District.

E. V-shaped billboard and advertising sign structures supported by a single structure shall be permitted provided that the angle formed by the two sides of the advertising sign structure does not exceed thirty degrees (30°).

F. One billboard or outdoor advertising device shall be separated by 750 ft. to another billboard or outdoor advertising device.

G. No billboard or outdoor advertising device shall exceed 25 ft. in height above ground level.

H. Lighting of Signs:

1. No sign shall be permitted which is not effectively shielded so as to prevent beams or rays of light being directed at any portion of the traveled way of any highway, or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle or which interferes with any driver's operation of a motor vehicle.

2. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

3. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.

4. All other applicable provisions of Section 1300 shall apply.

I ~~H~~. Annual fee for billboards and outdoor advertising signs. In order for a billboard sign permitted by this chapter or already built to continue to be a lawful use, the owner or lessee of such sign shall pay annually to Middle Paxton Township a fee of $1,000 dollars on or before February 1 of each calendar year, and default of such payment shall be considered a violation of this chapter, and such sign may be removed as provided for Section 1607.

J. Billboard signs shall be permitted only if the provisions of the Outdoor Advertising Control Act of 1971, Act 160, 36 P.S. §2718.101 et seq., have been met.

K. Before any billboards are erected, the appropriate State and/or Federal permits that are required for the erection of a billboard shall be obtained and copies of the same shall be filed at the Zoning Office of Middle Paxton Township prior to such erection.

Section 1606. Permits

A. Sign permits shall be required for signs as noted in Sections 1601 and 1602.

B. The following operations shall not be considered as creating a sign and shall not require a permit.

1. Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign or on approved signs that are specifically designed for the use of replaceable copy.

2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless structural change is made.

Section 1607. Removal of Unpermitted Signs

Any sign not in conformity with this section shall be removed, and the Zoning Officer of Middle Paxton Township may remove any sign not in conformity with this section. If the Zoning Officer remove any signs, the same shall be kept in the possession of Middle Paxton Township for a period of thirty (30) days and may be claimed and recovered by the owner thereof upon proper proof shown; and after thirty (30) days if such signs are not claimed and recovered, they shall be destroyed. Removal, storage, or destruction shall be at the owner's expense.

Section 1608. Nonconforming Signs

All signs in existence prior to the passage of this section and effective date shall not have to be in compliance with this section except for any annual fee due, but shall be in compliance with any former laws, regulations and ordinances that were in effect at the time such signs were erected. If a nonconforming sign is replaced it shall conform to the requirements of Article 15.

Section 1609. Marquees and Canopies

A marquee and/or canopy is permitted in the C-O, C-I, and MX zoned districts where it bears no sign other than the identification or name of the premises, provided that such marquee and/or canopy shall be considered as part of the structure to which the same is attached and shall therefore conform to restrictions concerning building setback lines and height restrictions. The marquee or canopy sign must comply with square footage requirements of this chapter regarding size of identification signs.

Section 1610. Signs on Nonconforming Structures

Signs on nonconforming structures in any zoned district may be permitted by special exception by the Zoning Hearing Board in keeping with the intentions of Article 15.

Section 1700. General Parking Regulations

A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons and occupants throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot located off the public right-of-way.

B. Each parking space per vehicle shall not be less than an average of two hundred and seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with street or alley. Notwithstanding the above, all parking space shall be ample in size for the vehicles for which use intended. The net parking space per vehicle shall not be less than eleven feet (11') wide and twenty feet (20') long. Parking spaces and the approaches thereto, shall be stone, gravel, or paved. Whenever parking spaces are opposite each other and separated by a driveway, said driveway shall not be less than twenty feet (20') in width.

C. A garage or carport may be located wholly or partially inside the walls of the principal building, or attached to the outer walls. The garage may be constructed under a yard or court provided that the level of such yard or court shall conform to the general level of the other yards or courts on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

D. Except for residential uses in A-RR, R-1, and R-2 Districts, parking lots shall be considered as a building for the purpose of determining applicable setback requirements, unless adjacent to any full depth buffer zone as required by this Ordinance or as modified by other sections of this Ordinance.

Section 1701. Facilities Required

Any building hereafter erected or converted and any lot hereafter used shall be provided with not less than the minimum parking spaces as set forth below, which spaces shall be readily accessible to and within a reasonable distance from the buildings served thereby. Such spaces shall be on the same lot as the principal building or open area, except when otherwise authorized as a special exception. No parking space shall be provided in the front yard areas of dwelling, apartment houses and apartment hotels, boarding or rooming houses, churches or schools, unless authorized as a special exception, except that in Residential Districts, off-street parking spaces are not permitted in the front yard except that parking on a paved driveway in a front yard is allowed. The required parking space shall be located on the same lot as the principal building or open area in question or contiguous to said lot whenever possible. In no case shall the required parking space be located more than six hundred feet (600') from the principal use. Off-street parking facilities shall be provided as follows:

A. Parking Requirements for Dwelling Units

Type Dwelling Unit		Spaces Per Dwelling Unit
1.	Dwelling	2.0
2.	Multi-Family Dwelling, Apartment House and Apartment Hotels	2.5 x number of dwelling units

B. Parking Requirements for Educational and Related Uses

Educational and Related Uses	Required Parking Spaces
1. Elementary schools	2 per each classroom and each other room used by students plus 1 space per non-instructional employee.
2. High schools	2 per each classroom and each other room used by students plus 1 for each 4 full-time students plus 1 space per non-instructional employee
3. Colleges, junior colleges, technical schools, universities and related uses	One (1) parking space for every three (3) students enrolled.
4. Other educational uses (in addition to requirements for classroom)	
(a) Fraternities, sororities, dormitories and related buildings	0.5 per bed
(b) School auditoriums and cafeterias if used for social functions or as meeting rooms	1 per each 4 seats
(c) Gymnasiums, stadiums, field houses, grandstands and related structures and facilities - if part of a school	1 per each 4 seats
(d) Day care centers, nursery schools or babysitting services (not as part of a dwelling)	1 space per employee on maximum shift plus spaces equal to 20% of maximum permitted occupancy

C. Parking Requirements for Other than Dwelling Units or Educational Facilities

Uses	Required Parking Spaces
1. Rooming Houses, Hotels, Motels and Tourist Houses	1 per guest room plus 1 for every full-time employee per shift. (See separate requirements for a restaurant if part of one of these uses)

2.	Theaters, Auditoriums, Churches, Stadiums, or Other Places of Public or Private Assembly	1 per 2 seats for public or private assembly 1 per 4 seats when located in a shopping center with at least 200 other parking spaces
3.	Retail Stores	1 per 200 sq.ft. of gross floor area, plus one (1) space for each employee in the peak shift
4.	Restaurants and Bars	1 per 2 customer seats plus 1 for every employee on the peak shift.
5.	Office Buildings	1 per 200 sq.ft. of floor area
6.	Shopping Centers	For shopping centers there shall be provided five and five-tenths (5.5) parking spaces for each one thousand (1,000) square feet of gross leasable floor area.
7.	Industrial, Wholesale, and Warehousing Establishment (See Section F)	Minimum of one (1) parking space for each employee on the two largest shifts but not less than one (1) parking space per each 1,000 sq.ft. of gross floor area whichever is greater, plus parking or storage space for all vehicles used directly in the conduct of such business.
8.	Garages or Automobile and Gasoline Service Stations	Parking or storage space for all vehicles used directly in the conduct of the business, plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility and one (1) space for every person employed on the premises at maximum employment on a single shift
9.	Hospitals and Sanitariums	1 per 3 accommodations (beds) plus 1 per each employee on the peak shift
10.	Automobile, boat and trailer sales	1 per 500 sq.ft. of indoor and outdoor display area
11.	Dance Halls, Roller Rinks, Clubs, Lodges and Other Similar Places	1 per 50 sq.ft. of floor area and 1 for every employee on the peak shift

12.	Fast Food/Drive-In Establishments	Five (5) parking spaces per one hundred (100) sq.ft. of floor space plus one space per employee on the peak shift
13.	Mortuaries, Funeral Homes and Undertaking Establishments	Parking or storage space for all vehicles used directly in the conduct of the business, plus one (1) parking space for every person regularly employed on the premises during the peak shift, plus one (1) space for every two (2) seats in the establishment
14.	Swimming Pools	1 per each 2 persons based upon design capacity of the pool
15.	Golf Courses and Resorts	8 per hole or 1 per 2 accommodations (such as lockers) whichever is greater plus 50 percent of the spaces normally required for accessory uses.
16.	Professional Offices of Physicians, Dentists, and Animal Hospitals and Emergency Medical Treatment Facilities	1 per 200 sq.ft. of gross floor area plus 1 per employee, but not less than eight total, plus one (1) per treatment room.
17.	Public libraries, art galleries, museums and other non-recreational public facilities	1 per each 250 square feet of floor area open to the public, plus one (1) space for each employee regularly employed on the maximum shift.
18.	Bowling Alleys	Five (5) parking spaces per alley, plus one (1) additional space for every employee regularly employed on peak shifts on the premises.
19.	Nursing Homes	One (1) parking space for every three (3) accommodations (beds) plus one (1) per each employee on the peak shift
20.	Service shops and establishments	Parking or storage space for all vehicles used directly in the conduct of the and other service establishments business, plus one (1) parking space for each person employed at peak shift plus one (1) space for every 300 sq.ft. of gross floor area.

21.	Transportation Terminals	One (1) parking space for every one hundred (100) square feet of waiting room space, plus one (1) additional space for every person regularly employed on the premises during the peak shift.
22.	Assisted Care	One (1) parking space for each assisted care unit, plus one (1) parking space for each employee during the peak shift.

D. No part of the public right-of-way of any street or road shall be used in computing the required area for parking, however, parallel parking may be permitted along the curb or edge of an access drive or private road, providing the spaces are not less than nine feet (9') by twenty feet (20') in addition to the required width for the circulation of vehicles (See Middle Paxton Township Subdivision and Land Development Ordinance, as amended).

E. When the parking requirements are not specified herein for a building or use for which an application for a permit has been filed or where the proposal contemplates a mix of uses and parking requirements, the zoning officer shall make the determination of which parking requirement standards shall apply in order to ensure that adequate off-street parking spaces are provided to serve the needs of the proposed uses in conformance with the standards set forth herein and upon consideration of all factors entering into the parking needs of each such use.

F. For Industrial, Wholesale and Warehousing establishments, the Zoning Hearing Board may authorize the reduction of the number and size of paved off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the paved parking for future uses.

Section 1702. Large Parking Areas

In parking areas of one-half (½) acre or more, at least five percent (5%) of the total area shall be devoted to landscaping within the interior of the parking area.

Section 1703. Access

Unobstructed access to and from a street shall be provided. Such access shall consist of at least one eighteen foot (18') lane for parking areas with less than twenty (20) spaces. All other parking areas must comply with the access drive standards of Section 1705 herein. No entrance or exit for any off-street parking area shall be located within fifty feet (50') of any street intersection.

Section 1704. Residential Driveway Regulations

All Single-family and two-family dwelling driveways shall conform to the following:

A. The number of driveways may not exceed two per lot on a street frontage.

B. Driveways may not exceed twenty -four feet (24') at the right-of-way line.

C. Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of three percent (3 percent) within 20 feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point the drive intersects the right-of-way.

D. A clear sight triangle in conformance with the Subdivision and Land Development Ordinance shall be provided for driveways.

E. Residential single family and single family attached dwelling may utilize driveways as part of required parking.

F. Any residential dwelling located along and accessing directly an arterial or collector street shall provide an area to be utilized as a turn around area - minimum size 15 x 10 to the side of the main driveway so that entrance to the road can be performed in a safe manner.

Section 1705. Non-Residential Access Drive Requirements

A. Number per lot. Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

B. Setbacks. All access drives shall be set back at least:

1. Fifty feet (50') from any other access drive or driveway located upon the same lot (measured from cartway edges); and

2. Ten feet (10') from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.

C. Clear-Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle a minimum of 125 feet as measured along the street centerline and along the driveway centerline is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area. In addition, all proposed access drives must have a minimum adequate safe stopping sight distance base on PennDOT standards.

D. Access Drive Width. Access drives shall provide a twelve (12) foot wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than eighteen (18) feet wide. See table below for further explanation:

No. of Lanes	Direction of Travel	Required Access Drive Width
1	one way	18 feet
2	one or two way	24 feet
3 or more	one or two way	12 feet/lane

E. PennDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of Pennsylvania Department of Transportation driveway permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.

Section 1706. Drainage and Surfacing

All residential and non-residential access drives and required open parking areas shall be properly drained and all such areas shall either be paved or maintained with a stable, mud-free surfacing.

Section 1707. Joint Facilities

A. Required parking spaces, open or enclosed, may be provided in spaces or contiguous lot designated to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

B. In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto, assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Township Solicitor and shall be filed with the application for a building permit.

C. When required parking spaces are not located on the same lot with the building or use served thereby, the spaces allocated for that building or use shall be located not more than 600 feet from the lot where the building or use is situated.

D. Limitation of use.

(1) No more than fifty percent (50%) of all the parking space required for theaters and places of amusement and up to one hundred percent (100%) of the parking spaces required for a church or school may be provided and used jointly by:

(2) Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in Subsection C(1);

Provided, however, that written agreement, assuring the retention for such purposes, is properly drawn and executed by the parties concerned, approved as to form and execution by the Township Solicitor, and is filed with the application for a building permit.

Section 1708. Control of Off-Site Facilities

When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the Township Secretary, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

Section 1709. Off-Street Loading Requirements

A. Description. An off-street loading space shall be a mud-free hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than twelve (12) feet in width, fourteen (14)

feet in height and of adequate length to suit the specific use exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned herein.

B. Location. No permitted or required loading space shall be closer than seventy-five (75) feet to any property in a residential district. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets. Loading space open to the sky may be located in any required yards.

C. Measurement of spaces. When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (½) may be disregarded, and fractions over one-half (½) shall be interpreted as one (1) loading space.

D. Surfacing. All open off-street loading berths shall be improved with a compacted base, surfaced with all-weather dustless material, of adequate thickness to support the weight of a fully loaded vehicle.

E. Every building or structure used for business, trade or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. The following off-street loading and unloading space requirements for specific uses shall be provided. All such spaces shall have a minimum height of fourteen (14) feet.

(1) Multistory multiple-family dwellings: one (1) off-street loading and unloading space at least twelve (12) feet wide for every three thousand (3,000) square feet of total floor area.

(2) Industrial plants: one (1) off-street loading and unloading space at least twelve by fifty (12 x 80) feet for every ten thousand (10,000) square feet of total area.

(3) Warehouses and wholesale storage facilities: one (1) off-street loading and unloading space at least twelve by fifty (12 x 80) square feet for every five thousand (5,000) square feet of total floor area.

Section 1710. Handicapped Parking

Handicapped parking shall be required for uses other than dwelling units. Parking spaces for handicapped purposes must meet the requirements of the Americans with Disabilities Act (ADA). One in every eight required accessible spaces shall be designated as "van accessible". Required minimum number of handicapped accessible include the following:

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

Source: Americans with Disabilities Act, Rules and Regulations, Federal Register, Vol. 56, No. 144, 7/26/91.

Section 1711. Fire Lanes

All areas abutting buildings designated as a fire lane shall be posted as "Fire Lane - No Parking or Standing."

Section 1800. Building Permits

A. Requirement of Permits: A building permit or a zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof, prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use.

B. No building permit shall be issued until the Zoning Officer has certified that the proposed erection, enlargement, repair, alteration, moving or demolition complies with all the provisions of this Ordinance.

C. It shall be unlawful for any person to commence work for the erection or part thereof, for which a building permit is required, until a building permit has been duly issued therefore.

D. The permit application must be accompanied by a site plan, showing as necessary to demonstrate conformity to this Ordinance:

1. Lot: The location and dimensions of the lot to be built upon;

2. Streets: Names and widths of abutting streets and highways;

3. Buildings, Structures, and Yards: Locations dimensions and uses of existing and proposed buildings, structures and yards on the lot and, as practical, of any existing buildings or structures within one hundred feet (100') of the proposed building or structure but off the lot shall include well and septic location.

4. Improvements: Proposed off-street parking and loading areas, access drives, and walks; proposed sewage disposal system and proposed surface water drainage system;

5. Families and Dwelling Units: The number of families or dwelling units for which the building is designed;

6. Other: And such other information as may be necessary to determine compliance with this Ordinance and all other pertinent Ordinances.

Section 1801. New Structure or Changed Uses of a Structure or Land

This section applies to any new structure or building or to any change of use of a structure or building or land as below:

A. Use of a structure or building, erected, structurally altered or extended or moved after the effective date of this Ordinance;

B. Use of vacant land except for agricultural purposes;

C. Any change in a conforming use of a structure or building or land unless the change is to the same general type of conforming use;

D. Any change from a nonconforming use of a structure or building or land to another nonconforming use or to a conforming use;

E. Any change in the use of a structure or building or land from that permitted by any variance of the Zoning Hearing Board.

Before any such use or change of use, a person must have the intended use certified by the Zoning Officer as being in compliance with this Ordinance. The application for a certificate of use or occupancy must include a statement of the intended use and any existing use of the structure or building or land and a plan of the lot indicating parking, signs and building square footages and a statement or other documentation showing that the proposed use of this lot complies with the development standards of the particular zoning district. The certificate continues in effect as long as the use of the structure or building or land for which it is granted conforms with this Ordinance.

Section 1802. Appeals

A. Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, may appeal to the Zoning Hearing Board. The appeal must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and a copy given to the Zoning Officer. Said appeal shall be filed no later than thirty (30) days after the taking of the action appealed unless the appellant alleges and proves that he had no notice, knowledge, or reason to believe that such action had been taken. The appellant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the appeal, whether such information is called for by the official form or not.

B. An appeal to the Zoning Hearing Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in the Zoning Officer's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed and otherwise than by a restraining order, which may be granted by the Board or by a Court of Record on application, or notice to the Zoning Officer and for due cause shown.

C. Within thirty (30) days after a decision of the Zoning Hearing Board, a person aggrieved by the decision, or the Board of Township Supervisors may appeal to the Court of Common Pleas of Dauphin County, by notice of appeal, setting forth that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and specifying the ground which they rely.

Section 1803. Hearings

A. Notice and Conduct of Hearing

1. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Notice shall be given as follows:

   a. By publishing a notice two (2) times thereof, at least thirty (30) days in advance and no less than seven (7) of such hearing, in a newspaper or general circulation in the Township.

   d. By mailing a notice thereof, at least seven (7) days prior to the hearing, to such other adjoining property owners or to such other person who has made a timely request for notice of the hearing.

c. Written notice of the hearing shall be conspicuously posted on the affected tract of land at least seven (7) days prior to the hearing.

The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.

2. The hearing shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

3. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

4. The Zoning Hearing Board or the Hearing Officer:

a. Shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate;

b. Shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material or notices; and

c. Shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

B. Parties, Representation, Statements

1. Parties: The Parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

2. Representation: The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

3. Statements: Statements are to be made in the following order or as the Chairman may direct:

a. Applicant or appellant.

b. Zoning Officer and other officials.

c. Any private citizen.

C. Witnesses, Documents, and Papers

The Chairman or acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

D. Decision Procedure

1. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer.

2. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision of any law, or on any provision of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

3. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or finds are final, the Zoning Hearing Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than forty-five (45) days after the decision of the hearing officer.

4. Where the Zoning Hearing Board has power to render a decision and the Zoning Hearing Board or the hearing officer, as the case may be, fails to render the same within the period required by this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed to an extension of time. Nothing herein contained in this section shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

5. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board, no later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

6. Whenever the Zoning Hearing Board imposes a condition, or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Zoning Hearing Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

E. Stenographic Record

The Zoning Hearing Board or the hearing officer, as the case my be, shall keep a stenographic record of the proceedings. A transcript of the proceedings and copies of graphic or written materials received in evidence shall be made available to any party at cost.

Section 1804. Township Supervisors - Powers and Duties

A. Zoning Hearing Board Appointments

The Township Board of Supervisors shall appoint three residents of the Township to a Zoning Hearing Board. The terms of office of a three member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality.

B. Amendments

1. The Township Supervisors may, from time to time, on its own motion, or on petition of any property owner or on recommendation of the Township Planning Commission, amend, supplement, or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, a proposed change, except those coming from the Commission, must be referred to the Planning Commission for its recommendations. If the Commission fails to make a recommendation within forty-five (45) days, the Township Supervisors may act without the Commission's recommendation.

2. The Township Supervisors shall have final authority to enact by ordinance, any zoning change application, amendment, supplement or repeal any of the regulations and provisions of this Ordinance and the Zoning Map. An amendment, supplement, change, or repeal may be initiated by the Planning Commission or by petition to the Board of Commissioners by any interested.

C. Curative Amendments

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Code, Act 247, as amended, Section 609.1 and Section 609.2.

D. Content of Public Notice

Public notices of proposed Zoning Ordinance amendments shall include either the full text thereof or a brief summary setting forth the principal provisions in reasonable detail and a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

E. Fees

The Township Supervisors must set fees by resolutions for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits and use certificates.

Section 1805. Planning Commission - Powers and Duties

A. Zoning Hearing Board Cases

1. The Zoning Hearing Board may refer special exception applications to the Planning Commission for their advice but is not required to do so.

2. Within thirty (30) days of receiving an application for a special exception or within forty (40) days of receiving an application for a variance from the Zoning Hearing Board, the Planning Commission must give a written report on it to the Zoning Hearing Board. The Commission is governed by the same standards as the Zoning Hearing Board in making its recommendations plus its special knowledge gathered from planning for the township.

B. Amendments

The Planning Commission may recommend amendments to the regulations and provisions of this Zoning Ordinance or Zoning Map to the Township Supervisors. For a proposed amendment stemming from other sources, the Commission must review it and make a recommendation regarding it to the Township Supervisors within forty-five (45) days after receipt of the proposal.

Section 1806. Zoning Hearing Board - Powers and Duties

A. Creation and Membership

1. The terms of office of the board shall be three (3) years and shall be so fixed that the term of office of one member of a three member board shall expire each year. The board shall promptly notify the Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the municipality.

2. a. The Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member.

b. If by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be necessary to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has mad a final determination of the matter of case. Designation of an alternate pursuant to Section

1806 and the MPC, Act 247, as amended, shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

3. The Zoning Hearing Board shall be governed by the provisions of the "Pennsylvania Municipalities Planning Code," Act 170 of December 21, 1988, P.L. 1329 Article 9 as may be amended or revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Ordinance, unless the context clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board, and "Act 170" shall refer to the "Pennsylvania Municipalities Planning Code" as cited above.

4. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two members are disqualified to act in a particular manner, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 1803. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

5. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

B. Powers

The Zoning Hearing Board shall have the following powers:

1. Appeals

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination or interpretation made by an administrative official in the enforcement of this Ordinance or of any ordinance adopted pursuant thereto.

b. The fee for appeals and permits shall be set by the Board of Supervisors by resolution.

c. Appeals From Zoning Hearing Board Rulings: Any person aggrieved by any decision of the Zoning Hearing Board may, within thirty (30) days after such decision of the Zoning Hearing Board, appeal to the Court of Common Pleas of the County.

d. The Burden of Proof in any appeal whether for a variance, special exception, or otherwise shall be on the appellant.

2. Special Exceptions

a. To hear and decide special exceptions which may be authorized in this Ordinance by the Board of Supervisors. In addition to the express standards and criteria stated in this Ordinance, the Zoning Hearing Board may attach such reasonable conditions and safeguards to an approval as it may deem necessary to insure that the approval is consistent with the purposes and intent of this Ordinance.

b. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the section which gives the applicant the right to seek the special exception.

c. The applicant shall provide the Board with sufficient plans, studies, or other data to demonstrate compliance with all applicable regulations.

d. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within one (1) year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal, or fails to complete any erection, constructions, reconstruction, alteration, or change in use authorized by the special exception approval within two (2) years from the date of authorization thereof by the Board, or by the court if such special exception has been granted after the appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

3. Variances

a. The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer.

b. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

(1). That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

(2). That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3). That such unnecessary hardship has not been created by the applicant.

(4). That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5). That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

c. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code and this ordinance.

d. In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as believed proper. Notice of such decision shall forthwith be given to all parties in interest.

C. Appeals to the Zoning Hearing Board

1. Appeals to the Zoning Hearing Board may be made by any person or by any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within thirty (30) days of the decision of the Zoning Officer by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:

a. The name and address of the appellant.

b. The name and address of the owner of the real estate to be affected by such proposed exception, of variance.

c. A brief description and location of the real estate to be affected by such proposed change.

d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

e. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.

2. An appeal to the Zoning Hearing Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Zoning Hearing Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Officer and for due cause shown.

3. Upon receiving an appeal, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing thereon and shall give the notice thereof:

   a. By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the Township.

   b. By mailing due notice at least seven (7) days prior to the date of the hearing to the parties in interest.

   c. By giving due notice thereof to the Township Planning Commission, the Zoning Officer, and such other persons who make timely request for the notice.

   d. In addition to the published notice, the Zoning Hearing Board shall give notice of the hearing to the owners of all properties lying within three hundred (300) feet of the property under consideration. This notice shall be mailed to each property owner not less than seven (7) days in advance of the hearing and shall be made from the list of property owners submitted by the person making the appeal. The failure to notify as provided in this paragraph shall not invalidate any recommendations adopted in the hearing; it being the intent, so far as may be possible to provide due notice to the persons substantially interested that the application for appeal is pending.

4. The Zoning Hearing Board shall conduct a public hearing on such appeal at which hearing any party may appear in person, or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard.

5. The Zoning Hearing Board shall decide the issue involved within forty-five (45) days after the hearing or continued hearing, it shall be deemed that such Zoning Hearing Board has decided in favor of the person or Township official aggrieved or affected who is seeking relief. All actions of the Zoning Hearing Board shall be by Resolution and a copy shall be furnished to the parties in interest and the Zoning Officer as a public record.

6. If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized. For good cause the Zoning Hearing Board may, upon application in writing stating the reasons therefore grant an additional six (6) month extension.

   Should the appellant or applicant fail to obtain the necessary permits within said twelve (12) month period, or having obtained the permit should he fail to commence work thereunder within such twelve (12) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.

   Should the appellant or applicant commence construction or alteration within said twelve (12) month period, but should he fail to complete such construction or alteration within said twelve (12) month period, the Zoning Hearing Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or permits, or

the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that a good cause appears for the failure to complete within such twelve (12) month period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

D. Each application or appeal filed in the proper form with the required date, must be numbered serially and be placed upon the calendar of the Zoning Hearing Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Zoning Hearing Board may order the advance of the application or appeal. The Zoning Hearing Board must fix a reasonable time for hearings.

E. Expenditures for Services

Within the limits of funds appropriated by the Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be appropriated by the Supervisors.

Section 1807. Zoning Officer - Powers and Duties

A. Appointment and Powers of Zoning Officer

For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the municipality, shall be appointed. The Zoning Officer shall administer the zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance. The Zoning Officer issues all building permits, use certificates, certificates of nonconformance and at the direction of the Zoning Hearing Board, special exceptions, and variances. The Zoning Officer may identify and register nonconforming uses, structures and lots, together with the reasons the Zoning Officer identified them as nonconformities.

B. Forms

The Zoning Officer must provide a form or forms prepared by the Township solicitor for:

1. Building Permits
2. Special Exceptions
3. Zoning and Compliance Certificate
4. Appeals
5. Variances
6. Nonconformities

C. Transmittal of Papers

Upon receipt of an application for a variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board notice that an application has been filed for a variance, special exception or appeal.

D. Action on Zoning and Compliance Certificates

Within fifteen (15) days, except for holidays, after receipt of an application for a zoning and compliance certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conforms in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.

E. Violations

Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer shall serve written notice on the person committing or permitting such violation by personal service or registered mail that he shall cease and desist such violation within thirty (30) days from the date of such notice. If said notice is not complied with and no appeal is filed with the Zoning Hearing Board, the Zoning Officer or other Township officer may take, in the name of the township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.

Any person, partnership or corporation who or which shall violate any provision of this zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than five hundred dollars ($500), plus all court costs, including reasonable attorney's fees incurred by the Township of Middle Paxton as a result thereof. Each day that a violation continues shall constitute a separate violation hereof, unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the District Justice's determination of a violation, and thereafter each day that a violation continues shall constitute a separate violation. All moneys collected for such violations shall be paid over to the Township of Middle Paxton. Further, the appropriate officers or agents of the Township of Middle Paxton are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this chapter.

F. Records

The Zoning Officer must keep a record of:

1. All applications for building permits, use certificates, special exceptions, and variances and all actions taken on them together with any conditions imposed by the Zoning Hearing Board; registration of nonconformities.

2. All complaints of violations of provisions of this Ordinance and the action on them.

3. All plans submitted.

4. All records and plans are available for public inspection.

G. Reports

At intervals of not greater than twelve (12) months, the Zoning Officer must report to the Township Supervisors:

1. The number of building permits and use certificates issued.

2. The number of complaints of violations received and the action taken on these complaints.

Section 1808. Township Engineer - Power and Duties

A. Drainage

At the request of the Zoning Officer or the Zoning Hearing Board, the Township Engineer must review site plans or other data to ascertain that the provision for surface water drainage will be adequate.

B. Building Adjacent to Drainage Channels and Watercourses

The Township Engineer shall review plans for buildings adjacent to drainage channels or watercourses to ascertain that the buildings will be an adequate distance from the high water line.

C. Zoning Hearing Board Cases

Where the exercise of the above powers and duties involves an application or appeal to the Zoning Hearing Board, the Township Engineer shall make recommendations to the Zoning Hearing Board. The approving authority in such cases shall be the Zoning Hearing Board and not the Township Engineer.

Section 1809. Amendments

A. This Ordinance or any part thereof, may be amended, supplemented or repealed, from time to time, by the Township Supervisors on their own motion, upon recommendation by the Township Planning Commission, or upon petition by any property owner. Before voting on the enactment of an amendment, the Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations. The Township Supervisors shall not take action on any such amendment without such report or recommendations from the Township Planning Commission unless the Commission fails for any reason to render such report within thirty (30) days after its next regularly scheduled meeting following the date of such referral. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

B. Report of the Township Planning Commission

In making such report on a proposed amendment, the Township Planning Commission shall make inquiry and determination concerning the items specified below.

1. Concerning a proposed amendment or change in text of this Ordinance:

   a. Whether such change is consistent with the aims and principles embodied in this Ordinance as to the particular Districts concerned;

   b. Which areas, land uses, buildings, and establishments in the Township will be directly affected by such change and in what way they will be affected;

   c. The indirect implications of such change in its effect on other regulations; and

   d. Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Township.

2. Concerning a proposed amendment involving a change in the Zoning Map:

   a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;

   b. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such changes;

   c. Whether the proposed change is in accord with any existing or proposed plans in the vicinity;

   d. The effect of the proposed amendment upon the growth of the Township as envisaged by the Comprehensive Plan; and

   e. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Township and the probable effect thereof.

C. Petition and Fee

Each petition for a zoning amendment shall be accompanied by a fee as set by separate resolution of the Middle Paxton Township Board of Supervisors upon the filing of such a petition. No fee shall be required for a petition filed in favor of or against a pending application.

D. Referral to County Planning Commission

At least thirty (30) days prior to the hearing on the amendment to this Ordinance by the Township Supervisors, the Township Planning Commission shall submit the proposed ordinance and amendment to the Dauphin County Planning Commission. The County Planning Commission shall report to the Supervisors in writing its advisory opinion on said amendment within thirty (30) days.

E. Public Hearing and Procedures for Zoning Amendments

1. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Commissioners shall conduct a pubic hearing to inform the general public of the nature of the amendment, and to obtain public comments. Such public hearing shall be conducted after public notice has been given. Public notice for a zoning amendment shall be provided as follows:

   a. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than 7 days from the date of the hearing.

      Publication of the proposed amendment shall include either the full text thereof or the title and brief summary setting forth all the provisions in reasonable detail. If the full text is not included, the full text may supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

   b. In Zoning Map amendments, the notice of public hearing shall also be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the hearing.

   c. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.

   d. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least once a week prior to the date of the public hearing.

2. Enactment Notice – Publication, Advertisement and Availability of Ordinances

   a. In addition to the public notice requirements for a public hearing defined herein, the Board of Commissioners shall publish a reference to the time and place of the meeting at which passage of the zoning ordinance amendment will occur.

   b. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township Commissioners shall publish the proposed

ordinance or amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

i. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

ii. An attested copy of the proposed ordinance shall be filed in the Dauphin County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

c. In the event substantial amendments are made in the proposed ordinance or amendment, before voting on enactment, the governing body shall, at least ten days prior to enactment, re-advertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all provisions in reasonable detail together with a summary of amendments.

d. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effects as if duly recorded therein.

3. Township Planning Commission Comments

a. When an amendment is proposed by parties other than the Planning Commission, the Board of Commissioners shall submit each amendment to the Planning Commission for comments. The amendment application shall be submitted at least 30 days prior to the public hearing on such amendment.

b. A report of the review by the Planning Commission, together with any recommendations, may be given to the Board of Commissioners within (30) days from the date the amendments were received. The recommendation of the Township Planning Commission may include a specific statement as to whether the proposed action is consistent with the intent of the Ordinance as the Township's officially adopted Comprehensive Plan.

4. Dauphin County Planning Commission Comments

a. At least (30) days prior to the hearing on the Ordinance amendment by the Township Commissioners, the Township shall submit the proposed ordinance or amendments to the Dauphin County Planning Commission for recommendations. Within thirty (30) days after enactment, a copy of the zoning amendment shall be forwarded to the Dauphin County Planning Commission. Amendment procedures shall be in compliance with Section 609 or the Pennsylvania Municipalities Planning Code, Act 247, as amended.

5. Amendments Initiated by the Board of Supervisors

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment shall follow the procedure for a petition under Section 1809.

6. Amendments Initiated by the Planning Commission

When an amendment, supplement, change, or repeal is initiated by the Planning Commission, proposal shall be presented to the Board of Supervisors, which shall then proceed with the amendment process in accordance with Section 1809.

7. Amendments Initiated by a Petition from an Interested Party

A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned and/or text amended, and a narrative describing all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

8. Enactment

Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the county planning agency.

9. Supervisor's Action

The Township Supervisors shall act to approve or disapprove said amendment within forty-five (45) days after the date of said public hearing.

Section 1810. Enforcement, Penalty, and Remedy

A. The construction, erection, replacement, alteration, repair, extension, replacement, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit or the use of any building, structure, sign, and/or land without receipt of a certificate of use and occupancy or the failure to comply with any other provisions of this Ordinance, are hereby declared to be violations of this Zoning Ordinance.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested n writing by the owner of record.

An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have been met, citing in each instance the applicable provisions of the ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the zoning hearing board within the prescribed period of time in accordance with procedures set forth in this ordinance.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

In any case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the PAMPC or prior enabling laws, the Supervisors or, with the approval of the Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Middle Paxton Township. No such action may be maintained until such notice has been given.

C. If the notice of violation is not complied with within a period of thirty (30) days, the Zoning Officer or other Township officer may take, in the name of the Township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building sign, and/or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.

D. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance enacted under the Municipalities Planning Code or prior enabling laws shall, upon being found liable therefor in civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation, unless the district justice determining that thee has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the township whose ordinance has been violated.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

E. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the township the right to commence any action for enforcement pursuant to this section.

Section 1811. Interpretation

A. Conflict with Other Laws

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

B. Severability

The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause phrase or provision hereof is held or judged by any court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, any such holding or judgment shall not be construed as affecting or impairing any other section, subsection, sentence, clause, phrase, or provision of this ordinance, it being the expressed intent of the Board of Supervisors that this ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid section, subsection, clause, phrase provision not been included herein.

C. Saving Clause

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 1812. Validity

Should any provision, section, subsection, clause or phrase of this Ordinance, or its application, be declared or held, for any reason, to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1813. Repealer

The Zoning Ordinance of Middle Paxton Township of May 7, 1979, as amended, is hereby repealed. All other ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are repealed to the extent of such conflict or inconsistency to the extent necessary to give this ordinance full force and effect.

Section 1814. Adoption

This Ordinance is hereby enacted and adopted by the Board of Supervisors of Middle Paxton Township, Dauphin County, Pennsylvania, this 6th day of November, 2000.

BOARD OF SUPERVISORS
MIDDLE PAXTON TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA

By: _____
Chairman

Attest: _____
Secretary

Amended 2/19/13

TOWNSHIP OF MIDDLE PAXTON

Dauphin County, Pennsylvania

ORDINANCE NO. 2013-02

AN ORDINANCE AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, TO ADD REGULATIONS GOVERNING ALTERNATIVE ENERGY FACILITIES, OUTDOOR HYDRONIC HEATERS, AND AMENDING THE ORDINANCE OF DEFINITIONS OF 2000, AS AMENDED.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

SECTION 1: The Middle Paxton Township Ordinance of Definitions of 2000, as amended, shall be amended by inserting the following definitions in alphabetical order:

Anaerobic Digestion: The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

ANSI: The American National Standards Institute.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of buildings.

ARI: The Air-Conditioning and Refrigeration Institute.

ASTM: The American Society for Testing and Materials.

Biogas: A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes. Also known as renewable natural gas, biomethane, swamp gas, landfill gas, or digester gas.

British Thermal Units (BTU): The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit at a specified temperature (as 39°F)

Building Code: The Township Uniform Construction Code Ordinance, codified as Chapter 51 of the Code of Ordinances, as amended.

Clean Wood: Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term "clean wood" does not include wood:

a. Coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials;
b. Impregnated with preservatives or fire retardants;
c. Exposed to salt water; nor
d. Manufactured with the use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

DEP: The Pennsylvania Department of Environmental Protection or any agency successor thereto.

DNV: Det Norske Veritas.

EPA: The United States Environmental Protection Agency or any agency successor thereto.

EPA PHASE 2 Voluntary Partnership Program for Hydronic Heaters (outdoor wood boilers or wood heaters): A program made available to consumers to make hydronic heaters that are 90 percent cleaner than unqualified units.
FAA: The United States Federal Aviation Administration or any agency successor thereto.

Geothermal: Of, relating to, or utilizing the heat of the earth's interior.

Geothermal Terms:

Closed Horizontal Loop Geothermal System: A mechanism for heat exchange which consists of the following basic elements: underground loops of piping, heat transfer fluid, a heat pump and an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening, into the heat exchanger, and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than twenty (20) feet deep.

Closed Vertical Loop Geothermal System: A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger, and heat transfer fluid is circulated through the pipes.

Geothermal Boreholes: A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

Geothermal Energy System: An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

Open Loop Geothermal System: Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injecting". Alternatively, the groundwater could be discharged to a surface water body, also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

IGSHPA: The International Ground Source Heat Pump Association.

Large Solar Energy Production Facility: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures, and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

Manure Digester: A facility where the main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; the facility is also to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructures, transmission lines and other appurtenant structures and facilities.

Off-grid Small Solar Energy System – A stand-alone collection system that is completely disconnected from an electric distribution system; batteries are essential to balance periods of excess production and excess demand. The building may be plugged into the commercial energy grid, except the energy generating facility is not and does not sell back to the utilities.

Outdoor Hydronic Heater: A fuel-burning device, also known as an outdoor wood-fired boiler, outdoor wood-fired furnace, and outdoor wood-burning appliance designed:

a. To burn clean wood or other fuels specifically tested and listed for use by the manufacturer;
b. By the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and
c. To heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

Phase 2 Outdoor Hydronic Heater: An outdoor hydronic heater that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly with a white "hang" tag.

Small Manure Digester: A manure digester used to convert biogas into electricity, heat, and water and is intended to primarily reduce on-site consumption of utility power. A system is considered a small manure digester only if it supplies electrical or thermal power for on-site use, except in cases where a property upon which the facility is installed also received electrical power supplied by a utility company; excess electrical power generated and not presently needed for on-site use may be used by the utility company. Small manure digesters that use livestock and poultry manure generated on-site from one (1) farm and are designed and intended solely to generate power to off-set utility costs. Small manure digesters may include "co-digestion," in which the livestock and poultry manure (primary catalysts) may be mixed with other organic materials (secondary catalysts).

Small Solar Energy System: A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment intended to primarily reduce on-site consumption of utility. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except in cases where a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except in cases where a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Solar Collection System: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and possibly foundations used for or intended to be used for collection of solar energy.

Stack: Any vertical structure enclosing a flue(s) that carries off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

Turbine Height: The distance measured from the highest point of the wind turbine rotor plane to the ground level.

UL - The Underwriters Laboratories.

Wind Charger: A wind-driven direct-current generator used for charging storage batteries.

Wind Energy Conversion System (WECS): A device such as a wind charger, wind turbine or windmill, and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat and consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Windmill: A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

Wind Turbine: A device that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad transformer, if any.

Wind Turbine Tower: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

SECTION 2: The Middle Paxton Township Zoning Ordinance of 2000, as amended, Article 3 – A-RR Agricultural and Rural Residential District, Section 302, Table 3-1, shall be amended by adding new Subparagraphs 17.A through 17.B, which shall provide as follows:

17.A. Small Manure Digester, subject to the provisions of Section 1327

17.B. Large Solar Energy Production Facility subject to the provisions of Section 1326.

SECTION 3: The Middle Paxton Township Zoning Ordinance of 2000, as amended, Article 13 – Supplemental regulations, shall be amended to add new Subsections 1322, Geothermal Energy Systems, 1323, Small Solar Energy Systems, 1324, Small Wind Energy Systems, and 1325, Outdoor Hydronic Heaters, which shall provide as follows:

Section 1322. Geothermal Energy Systems

Open loop geothermal systems shall not be permitted in the Township. Closed loop geothermal systems shall be permitted in all zoning districts and shall be subject to the following regulations:

A. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of ANSI, IGSHPA, ASTM, and ARI, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application, and the

TOWNSHIP OF MIDDLE PAXTON
Dauphin County, Pennsylvania

2/19/13

ORDINANCE NO. 2013-01

AN ORDINANCE AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, TO AMEND THE REQUIREMENTS FOR OFF-STREET PARKING FOR CHURCHES AND AMENDING THE ORDINANCE OF DEFINITIONS OF 2000, AS AMENDED.

BE IT ORDAINED by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

SECTION 1: The Middle Paxton Township Ordinance of Definitions of 2000, as amended, is hereby amended to add the following definition:

No-Impact Home Based Business

Shall be permitted in all zones in accordance with the following requirements except that such accessory use shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest-ownership community.

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

~~Ordinance of Definition~~ – Amendments
Approved 8/4/08

Lot, Flag – Strike the word "large"

Easement: A grant of one or more of the property rights by the property owner to or for the use by the public, a corporation or another person or entity.

Easement, Drainage: An easement required for the installation of storm water sewers or drainage ditches, and /or required for the preservation or maintenance of natural stream or water course or other drainage facility.

Easement, Utility: A Right of Way granted for limited use of land for public or quasi-public purpose.

Right of Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Day Care, Child – A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during an average day. This use may also include educational programs that are supplementary to State - required education, including "Nursery School" or "Head Start" program.

Family Child Care Home – A residence offering child care services for four (4) to six (6) children unrelated to the resident operator and must have a certificate of registration from the Department of Public Welfare (DPW) in order to operate. A family day care home is permitted accessory use in any residential district.

Group Child Care Home – A residence offering child care services for seven (7) to twelve (12) children unrelated to the resident operator and must have a certificate of compliance (license) from the Department of Public Welfare (DPW) in order to operate.

Child Care Center – A State licensed and/ or registered facility in which care is provided for seven (7) or more children unrelated to the operator. The childcare center must have a certificate of compliance (license) from the Department of Public Welfare in order to operate.

Change 50' to 33' on page Def-41 Private Street or road.

[redacted]

Approved 8/4/08

The following definitions are recommended to be inserted into the "ORDINANCE OF DEFINITIONS."

FACILITY OWNER: The entity or entities having an equity interest in a Wind Energy Facility, including their respective successors and assigns.

NON-COMMERCIAL WIND ENERGY FACILITY: A wind energy facility producing electricity for private consumption consisting of a wind turbine and associated control and conversion equipment capable of handling no more than 2500 kilowatts per hour of power.

NON-PARTICIPATING LANDOWNER: Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

OCCUPIED BUILDING: A building that is occupied or in use or when the land development plan or permit application is submitted.

OPERATOR: The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

PARTICIPATING LANDOWNER: A landowner upon whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

TURBINE HEIGHT: The distance measured from the ground to the highest point reached by the rotor blade.

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

COMMERCIAL WIND ENERGY FACILITY: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities which does not meet the definition of Non-Commercial Wind Energy Facility.

UTILITY ACCESS DRIVE: A private driveway not intended for general public use, and providing vehicular access to a utility structure, building, waterway or utility line.

DULY ENACTED AND ORDAINED this 4th day of **August 2008**, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA

BY:_____
SERELL I. ULRICH, CHAIRMAN

BY:_____
MARY JANE DAVIS, ~~VICE~~ SUPERVISOR

BY:_____
JEFFERY SMITH, ~~SUPERVISOR~~ Vice Chairman

BY:_____
RICHARD PEFFER, SUPERVISOR

BY:_____
J. THOMAS VAN WAGNER,
SUPERVISOR

ATTEST:

BY:_____
J. THOMAS VAN WAGNER,
SECRETARY

MAILING ADDRESS
P.O. BOX 277
DAUPHIN, PA 17018

OFFICE ADDRESS
1304 OVERLOOK ST
DAUPHIN, PA 17018
PHONE (717) 921-8128

1/17/06

Middle Paxton Township

RIPARIAN CORRIDORS

ORDINANCE OF DEFINITION – Add the following definitions

Riparian Buffer Strip – A narrow strip of land along a stream, pond, lake quarry, or wetlands, including the 100-year floodplain, which contains or is replanted with native forest, shrubs and herbaceous species to stabilize erodable soils, improve surface and ground water quality, increase stream shading and enhance wildlife habitat.

Disturbance (Site) – Any activity involving the clearing, excavating, storing, grading, filling or transporting of soil, or any other activity which causes soil to be exposed to the danger of erosion.

ZONING ORDINANCE - Add the following new Section 1321

Section 1321- Riparian Buffer Strip

In all areas of the Township where streams or wetlands exist, a Riparian Buffer Strip, as defined in the Ordinance of Definition, shall be maintained.

A- Permitted uses.
Within the Riparian Buffer Strip the following uses/ activities shall be permitted:

1. Wildlife Sanctuaries, nature preserves, forest preserves, fishing areas, boat accesses and passive areas of Public parklands and reforestation.
2. Stream bank Stabilization.
3. Regulated activities permitted by the Commonwealth (e.g. permitted stream or wetland crossing or encroachment.)
4. Customary agricultural practices in accordance with a soil conservation plan approved by the Dauphin County Conservation District.
5. Forestry operations approved by the Dauphin County Conservation District.
6. Passive use such as campgrounds, picnic areas and golf courses.

9/6/05

ORDINANCE OF DEFINITION AMENDENTS

1.) Ordinance of definition- Delete definition for Family Daycare Home
2.) Add Definition of "Squaring Off Structure" to Ordinance of Definition and Add a Figure 11 depicting this situation.
3.) Add Definition of "Appendage to Structure" to Ordinance of Definition and Add A Figure 12 depicting this situation.
4.) Change "Public Sewer" in Ordinance of Definition to "Centralized Sewer"
5.) Add to Ordinance of Definition- Stable mud free surface- a crushed stone base equivalent to 6 inches of 2A or 3A stone thoroughly compacted.
6.) Ordinance of definition- Berm- delete present definition and substitute the following: A man made earthen mound or embankment usually 2 feet to 6 feet high that is designed to screen undesirable views, reduce noise, shield properties from adjoining uses or to control the direction of surface water flow.
7.) 30.) Ordinance of Definition – correct formula to determine average slope to read S=(0.0023/A) x I x L.
8.) Squaring Off -- The expansion or enlargement of an existing non-commercial structure that does not comply with the required setbacks for the district in which it is located, up to the existing building lines established by said structure. (See figure 11)
9.) Appendage – The expansion or enlargement of an existing non-commercial structure that follows the existing non-conforming side building line established by said structure. (See figure 12)

S/D ORDINANCE AMENDMENTS

1.) Subdivision Ordinance-Section 502 I (1) – Delete all use of the term berm. Term used shall be shoulder.

Appendage: The expansion or enlargement of an existing non-commercial structure that follows the existing non-conforming side building line establishment by said structure (see figure 12) **(9-6-05)**

Squaring Off Structure: The expansion or enlargement of an existing non-commercial structure that does not comply with the required setbacks for the district in which it is located, up to the existing building lines established by said structure. (See Figure 11) **(9-6-05)**

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Middle Paxton Township

2/2/04

ORDINANCE # 69

AN ORDINANCE AMENDING THE MIDDLE PAXTON TOWNSHIP ORDINANCE OF DEFINITION AS ENACTED NOVEMBER, 2000.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Middle Paxton, Dauphin County, under and by virtue of the authority contained in the Second Class Township Code, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

The Middle Paxton Township ***Ordinance of Definition*** is hereby amended to add the following definitions:

Completely Dry Space – A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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

Essentially Dry Space – A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood - A temporary inundation of normally dry land areas.

Historic Structure - Any structure that is:

a. Listed individually in the national Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminary determined by the State of the Interior as contributing to historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a local inventory of historic places communities with historic preservation programs that have been certified;

d. Individually listed on a local inventory of historic places communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior in states without approved programs.

Identified Floodplain Area - The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

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

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

Regulatory Flood Elevation - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-½) feet.

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

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of these regulations.

These ordinance amendments shall become effective in accordance with law.

DULY ENACTED AND ORDAINED this 2nd day of Feb., 2004, by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, in lawful session, duly assembled.

TOWNSHIP OF MIDDLE PAXTON
DAUPHIN COUNTY, PENNSYLVANIA

BY: _____
SERELL I. ULRICH, CHAIRMAN

BY: _____
MARY JANE C. DAVIS, VICE CHAIRPERSON

BY: _____
JEFFREY SMITH, SUPERVISOR

BY: _____
RICHARD PEFFER, SUPERVISOR

BY: _____
J. THOMAS VAN WAGNER
SUPERVISOR

ATTEST:

BY: _____
J. THOMAS VAN WAGNER,
SECRETARY

1/7/02

DAUPHIN COUNTY, PENNSYLVANIA

AMENDING THE MIDDLE PAXTON TOWNSHIP ZONING ORDINANCE

WHEREAS, the Township adopted the current Zoning Ordinance on November 6, 2000; and

WHEREAS, the current zoning ordinance contains a Table 3-2 which provides the density requirements for residential development in the Agricultural and Rural Residential District (A-RR).

WHEREAS, the inclusion of Table 3-2 in the final draft of the Zoning Ordinance was in error and an amendment to the Zoning Ordinance is necessary to remove Table 3-2 from the current Zoning Ordinance.

NOW, THEREFORE BE IT ENACTED, and it is hereby enacted, by the Township Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

Section 1. Section 305(A) of the Zoning Ordinance is amended to remove any reference to Table 3-2 to provide as follows:

Section 305. Standards for Conventional Residential Development.

A. Table 3-1 shows uses permitted and special exception uses and lot area requirements for conventional residential development.

Section 2. The Zoning Ordinance is amended to remove Table 3-2 from the Zoning Ordinance.

ADOPTED JANUARY 7, 2002

ATTEST:

TOWNSHIP OF MIDDLE PAXTON
BOARD OF SUPERVISORS

BY: _____
SECRETARY

BY: _____
CHAIRMAN

_____
SUPERVISOR

_____
SUPERVISOR

MIDDLE PAXTON TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE OF DEFINITION

AN ORDINANCE ESTABLISHING DEFINITIONS OF TERMS TO BE APPLIED IN CONJUNCTION WITH REGULATIONS GOVERNING THE DEVELOPMENT OF MIDDLE PAXTON TOWNSHIP. UNLESS OTHERWISE SPECIFIED, THE DEFINITIONS CONTAINED IN THIS ORDINANCE, AND SUBSEQUENT ORDINANCES REFERRING HERETO, SHALL APPLY TO: (1) THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, (2) AND ZONING ORDINANCE, AND OTHERS WHICH FROM TIME TO TIME SHALL BE ADOPTED MAKING SPECIFIC REFERENCE HERETO.

General Interpretation and Application

Unless specified otherwise in the Ordinance or Ordinances affected by it, the definitions included herein shall apply to all regulations governing the development of Middle Paxton Township. Included in this category are: Subdivision and Land Development Ordinance, and Zoning Ordinance, and others from which time to time shall be adopted and which shall make specific reference to this Ordinance. Where individual definitions or parts of definitions apply to a specific regulation only, they shall be so indicated.

Words in the singular include the plural and words in the plural include the singular. The words "shall" and "will" are mandatory; "may" and "should" are permissive.

A. **General Definitions: In this Ordinance when not inconsistent with the context --**

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word "person" includes a partnership or corporation as well as an individual.
5. The term "shall" or "must" is always mandatory.
6. The word "lot" includes the word "plot" or "parcel".
7. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
8. The word "erected" shall be construed to include the words "constructed, altered or moved".
9. The word "building" shall include any structure or part thereof.

B. **Specific Words and Phrases:** The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board.

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

Abutting: Having property or district lines in common.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

Access Drive: A paved surface or other surface, other than a street, which provides vehicular and/or pedestrian access from a street or a private road to a lot.

Accessory Agricultural Use: An agricultural use or building that specifically supports the agriculture activity on the same farm or lot.

Accessory Apartment: Independent living area consisting of bathroom, kitchen and living space.

Accessory Building or Use: A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the

principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Accessory Commercial Center: A commercial use designed specifically to provide services to employees of industrial areas and to the residents of the area.

Accessory Day Care: A subordinate building or a portion of the main building on a lot which serves primarily as a day care facility and is accessory to a house of worship or a public or non-public school. A State licensed and/or registered facility in which care is provided or is intended to be provided for seven (7) or more children of any age at any time.

Accessory Structure: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

Addition: Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Adult Regulated Facility: An establishment open to the general public of the age of eighteen (18) years or older, where more than twenty percent (20%) of the occupied area of the facility is used for one or more of the following purposes:

a. Adult Book Store - and establishment which offers for sale, for rent, for lease, for view on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct, or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement; or offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.

b. Adult Theater - an establishment in which there is offered for view motion picture film, video tape or similar visual representation of sexual conduct or excitement, commonly referred to as "X-Rated" movies, peep shows, or the equivalent thereof.

c. Cabaret - an establishment, club restaurant, theater, or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or specified sexual activities for observation by patrons therein.

d. Adult Massage Parlor or Adult Massage Studio - a commercial establishment whose business emphasis is the administration of sexually oriented massage to patrons by employees.

Adult Retirement Community: A planned development that emphasizes social and recreational activities buy may also provide personal services, limited health facilities, and transportation.

Advertising Sign: *See* Sign.

Aerial Map: A map created from a process involving the taking of photographs from the air with predetermined reference points marked on the ground.

Agent: Any person, other than the developer, who, acting for the developer submits to the Township supervisors land development plans for the purpose of obtaining approval thereof.

Agribusiness: Activities including the distribution of farm equipment and supplies and the processing, storage and distribution of farm commodities, and does not include the raising of live animals.

Agriculture: The tilling of the soil, the raising of crops, and raising of livestock, horticulture, silviculture, and gardening.

Agricultural Purposes: The use of land for farming, dairying, pasturage, agriculture, horticulture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

Agricultural Security Districts: An area established by a resolution of the Board of Supervisors in accordance with the Agricultural Area Security Law (3 P.S. §§ 901-915).

Airport: A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A minor right-of-way, privately or publicly owned, providing a secondary means of access to abutting properties.

Alluvial Soil: Soil formed from the deposit of sediment in flowing water.

Alterations: As applied to a building or structure, any change or rearrangement in the total floor area, in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Amendment: A change in use in a district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

Americans With Disabilities Act (ADA): Americans with Disabilities Act of 1990, Public Law 101-336.

Amortization: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animal: Any domestic animal or fowl, any wild animal or any household pet. Any of a kingdom (Animalia) of living beings typically differing from plants in capacity for spontaneous movement and motion in response to stimulation.

Animal Hospital: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian. Boarding of such animals shall be for medical or surgical treatment only.

Animal Husbandry: The care, raising, and keeping of livestock (animals such as cattle, sheep and swine) and poultry.

Animal Waste Storage Facilities: A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area, and above-ground storage.

Annexation: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Antenna: Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

Antenna Height: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

Antenna Support Structures: Any structure, mast, pole, tripod, or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

Apartment, Conversion: A multi-family dwelling constructed by converting an existing single family dwelling into apartments for more than one family without substantially altering the exterior of the building.

Apartment House: A building arranged, intended or designed to be occupied by three or more families living independently of each other.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his or hers, personal representatives, successors and assigns.

Application for Development: Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an

application for a building permit, for the approval of a subdivision plot or plan, or for the approval of a development plan.

Approximated Floodplain: Those portions of land within the FP-Floodplain District subject to inundation by the 100-year flood where a detailed study has not yet been performed, but where a 100-year floodplain boundary has been approximated. Where the specific 100-year flood elevation cannot be determined for this unique area using other sources of data such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In addition, information from other Federal, State and other acceptable sources shall be used to determine a floodway area, if possible.

Architectural Control: Regulations governing the appearance or architectural style of buildings or structures.

Area, Building: The total exterior dimensions (footprint) of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Lot: The total area within the property lines, excluding any portion which may be used or dedicated as a public or private street or alley.

Automobile: A motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including a truck, motor home, motorcycle, or travel trailer.

Automobile Body Shop: Any structure or any building or part thereof, that is used for the repair or painting of bodies and fenders or motors vehicles.

Automobile Garage, Major: A building on a lot designed and/or used primarily for mechanical repairs, storage, rental, or servicing of automobiles, trucks, and similar motor vehicles.

Automobile Garage, Minor: An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one automobile is leased to a non-occupant of the premises.

Automobile, or Gasoline Service Station: A building on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil or other fuel and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing automobiles and other vehicles.

Automobile, Mobile Home and/or Recreational Vehicle Sales Garage: A building on a lot designed and used primarily for the display or sale of new and used cars, mobile homes and

recreational vehicles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

Automobile, Mobile Home and/or Recreational Sales Lot: An open lot, used for the outdoor display or sales of new or used automobiles or mobile homes and where minor and incidental repair work (other than body and fender) may be done.

Automobile and/or Trailer Sales Garage: A building on a lot designed and used for the display, sale or rental of new and used cars, trucks, campers, tractors, trailers, and snowmobiles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

Automobile and/or Trailer Sales Lot: An open lot, used for the outdoor display or sales of new or used automobiles or trailers, and where minor and incidental repair work (other than body and fender) may be done.

Automobile Washing (Car Wash): A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Automobile Service Stations.

Automobile Wrecking: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. *See* also Recycling Yard.

Average Gross Residential Density: The number of dwelling units per acre in a planned residential development, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are not planned to be devoted to commercial use. If the developer is required to dedicate land for sites for schools or other public facilities, such land shall be included in the total land area used in computing maximum permissible average gross density. If he is required to set aside land for such purposes, it shall not be included in the computation of average gross density. If such land is not acquired by the appropriate body by the date of the sale or rental of fifty-one percent (51%) of the dwelling units in the planned residential development, then, at the option of the developer, the land may be used for residential purpose, subject to the provisions of the Zoning Ordinance.

Average Lot Price: This amount is determined by taking the arithmetic average of all open market residential lot sales in Middle Paxton Township for the previous year. Open market sales shall not include multiple property/single consideration, nominal consideration, family member forced sale or partial interest sales as defined by the Dauphin County Assessor's Office. This figure will be calculated on annual basis and established by the Board of Supervisors.

Baffle: A freestanding randomly located structure, fence like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

Barrier Curb: A steep-faced curb intended to prevent encroachments. *See* Curb.

Basement: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Bed and Breakfast Home: An owner-occupied residence where not more than five (5) guest rooms and fifteen (15) guests are rented to overnight guests on a daily basis for periods not exceeding one week.

Bed and Breakfast Inns: An owner-occupied residence where not more than ten (10) guest rooms and thirty (30) guests are rented to overnight guests on a daily basis for periods not exceeding one week.

Berm: A mound of soil, either natural or manmade, used to obstruct views.

Bikeway: A pathway, often paved and separated from streets and sidewalks, designed to be used by bikers.

Billboard: *See Signs*

Block: A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

Blow-Off: An outlet in a pipe through which water or sediment can be discharged from a lower sewer.

Board of Supervisors: The Board of Supervisors of the Township of Middle Paxton.

Boarding House: Any dwelling in which at least three (3), but not more than fifteen (15) persons, either individually or as families, are housed or lodged for compensation with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

Boarding Stable: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

Buffer Area: A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

Building: Any structure on a lot, having a roof supported by columns or walls and designed and/or intended for the shelter, housing or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys.

Building, Accessory: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building, Detached: A building surrounded by open space on the same lot.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, Height of: The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

Building Line: A line parallel to the front, side, or rear lot line set so as to provide the required yard.

Building, Main: A building in which is conducted the principal use of the lot on which it is located.

Building, Nonconforming: A building so located on a lot that it does not have the minimum front, or side, or rear yards, required for the District in which it is located.

Building, Principal: A structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

Building Setback Line (Setback): The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required. (Figure 1)

Bus and Truck Terminal: A freight trucking or passenger station that is central to an area and serves as a junction at any point with other lines. While a bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight, they can also include dispatch of vehicles or maintenance services.

Business and Office Equipment Sales and Service: Any retail establishment that is engaged in the sale and/or service of business and office equipment - i.e. desks, typewriters, filing cabinets, etc.

Business Services: Business services shall include and be limited to banks, credit unions, loan companies, real estate and insurance agencies, utility offices, governmental offices, business offices, and printing services.

Café: *See* Taverns.

Caliper: The diameter of a tree trunk measured in inches, six (6) 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.

Campground: A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, such as cabins, tents, recreational vehicles or shelters, but not including a mobile home camp, court or park.

Camp Site: A plot of ground within a camp ground intended for occupation by recreational vehicle or tent.

Capital Improvements Program: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capped System: A completed system supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

Carport: An accessory building or part of the main structure not totally enclosed and primarily designed or used for parking automobiles.

Cartway or Roadway: The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic.

Cellar: A story partly underground having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

Cemetery: A parcel of land used as a burial ground for human or animal remains.

Certificate of Use and Occupancy: The certificate issued by the Zoning Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

Change of Use and Occupancy: A statement or permit signed by a duly authorized Township Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

Channel: The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Child Care Center: A State licensed and/or registered facility in which care is provided or is intended to be provided for seven (7) or more children of any age at any time.

Child Care Home: A State licensed and/or registered single family dwelling in which child care is provided at any time for not more than six (6) children under the age of twelve (12), including any children under the age of twelve (12) who are residents of the dwelling.

Church (and Related Uses): A building, structure, or group of buildings or structures, including accessory uses, designed, intended, or used for public worship. This definition shall include temples, rectories, chapels, convents, cathedrals, parish houses, synagogues, and church-related educational and/or day care facilities. Use as a residence is not permitted except as a rectory for one (1) family or as a convent or monastery.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. (Figure 2)

Clinic: A medical establishment associated with a hospital, medical school, or run by several specialists where medical personnel work together cooperatively dealing chiefly with outpatients.

Club, Clubhouse, or Lodge, Private: A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fund raising of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This does not include "night clubs". The private "clubs" or "lodges" as defined shall not be an adjunct to, operated by or in connection with a tavern, café or other public place.

Cluster Development: A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land. (Figure 3A)

Colleges or Universities: An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Commercial, Recreational, or Entertainment Facility: A building housing an activity operated as a business, open to the public, in the Commercial District, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, theaters, drive-in motion picture facilities, swimming pools, health clubs, museums, etc. This does not include adult-related uses, amusement arcades, nightclubs or golf courses as defined herein.

Commercial Vehicle: A motor vehicle with a gross vehicle weight (GVW) exceeding 8,500 pounds that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business(such as hauling material).

Commission: The Township of Middle Paxton Planning Commission.

Commission Staff: The Township of Middle Paxton Engineer and/or other personnel retained by the Planning Commission.

Common Elements: Means and includes:

1. The land on which a building is located and portions of the building which are not included in a unit;
2. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of a building;
3. The yards, parking area and driveways;
4. Portions of land and building used exclusively for the management, operation or maintenance of the common elements;
5. Installations of all central services and utilities;
6. All other elements of a building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
7. Such other facilities as are designated as common elements.

Common Facilities: When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, storm water management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land, and shall not include playground, athletic field or other open space areas of any schools or churches to be included within the proposed development.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A structure other than a building such as a monopole, self supporting or guyed tower, designed and used to support "Communications Antenna."

Communications Transmitting and Receiving Facility: A tower or other facility which transmits or receives a radio, television, or other communication signal.

Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots, and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site and which shall comply with all applicable regulations of the Department.

Community Water Supply System: A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC), or the Township, whichever is more stringent.

Comprehensive Plan: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Township of Middle Paxton, as amended from time to time.

Composting: The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

Concept Plan: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Conditional Use: A use which the Board of Supervisors is permitted to authorize in specific instances listed in this ordinance, under the terms, procedures and conditions prescribed herein.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

Confined Livestock Operations: A concentration on contiguous lands owned by the same owner or owners of over 20,000 chickens, 5,000 turkeys, 500 hogs, or 200 head of cattle or other animals weighing in excess of three hundred (300) pounds.

Conservation Areas: Undeveloped and undisturbed areas, set aside for the preservation and/or continuation of the natural environment, to promote recreational use and retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation or a building or structure, including the placement of mobile homes.

Contractor's Office or Shop: Offices and shops for tradesmen, such as building, cement, electrical, masonry, painting and roofing contractors.

Contractor's Yard: A tract of land where a "dealer" stores new and/or used material, machinery, equipment and other supplies for use by builders, developers, erectors, excavators, and other artisans. Such material, machinery, equipment and other supplies may be made available by wholesale or retail purposes or rental programs.

Convalescent Home: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use. Accommodations are provided for the full-time care of aged, disabled, infirm or invalid persons. The term "nursing home" may be used interchangeably with the term "convalescent home" and shall have the meaning set forth in this section.

Convenience Store With Gas Dispensing: A retail store which primarily offers food and related items but which may also dispense fuel.

Convenience Store Without Gas Dispensing: A retail store which offers food and related items but does not dispense fuel.

Conventional Development: Development other than planned development. (Figure 3B)

Cooperative: Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

Corporation Stop: Also known as a corporation cock. A valve which is placed in a building's water or gas service pipe near its junction with the public water or gas main.

County: County of Dauphin.

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

Court, Inner: A court which does not extend to a street, alley, yard, or outer court.

Court, Outer: A court which extends to a street, alley, yard, or other outer court.

Coverage: That portion or percentage of the plot or lot covered by the building area.

Crosswalk: A right-of-way, municipally or privately owned, at least twelve feet (12') wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Cul-de-Sac: A local street with only one outlet and having the other end for the reversal of traffic movement. (Figure 4)

Culvert: A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

Curb: The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

Curb Level: The officially established grade of the curb in front of the mid-point of the lot.

Curb Line: The outside edge of the cartway.

Cut: An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

Dairy: An establishment for the processing of dairy products not produced on-site.

Dawn: The first appearance of daylight in the morning.

Days: A period of time from midnight to midnight.

Day Care Center: *See* School, Nursery.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance of this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

Deck or Patio: A platform which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

Dedication: An act transmitting property or interest thereto.

Dedication, fee in lieu of: Payments of cash which are authorized in subdivision regulations when requirements for mandatory dedication of land cannot be met because of physical conditions of the site or other reasons.

Density: The total number of dwelling units per gross area of the proposed development.

Density Zoning: A device for averaging residential density over an entire parcel and placing no restrictions on lot sizes or on dwelling types.

Department (DEP): The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

Design Flood: The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the flood way, the flood hazard area, and the water surface elevations.

Design Standards: Standards that set forth specific improvement requirements.

Detention Basin: A man-made or natural water collector facility designed to collect surface and sub-surfaced water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: (a) the Supervisors; or (b) the Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development or submits a development plan under the terms of this Ordinance.

Development: A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

Development Costs Factor: This figure is a percentage of the total average lot price that development actually costs on a per lot basis. The figure would include the costs for streets, sidewalks, curbing, utilities, etc. This value expressed as a percentage in the fee in lieu of land dedication formula would be established by the Township Engineer.

Development Impact Fees: This is a tax fee or tax imposed on developers to pay for the costs to the community of providing services to a new development.

Development Ordinance: The combination of zoning and subdivision regulations into a single, integrated code.

Development Plan: The provisions for development of land under the provisions of this Ordinance, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the development plan" when used in this Ordinance shall mean both the written and graphic materials referred to in this definition.

Development Regulation: Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

Development Rights: A broad range of less-than-fee-simple ownership interests, mainly referring to easements. Thus, the owner can retain complete or absolute (fee simple) rights to his land and sell the development rights to another.

Discretion: The exercise of judgement on the part of local officials in deciding whether to approve or disapprove a developer's application for permit.

District Zone: A district includes all buildings, lots and surface areas within certain designated boundaries as indicated on the Zoning Map.

Disturbance of Vegetative Cover: Removal, destruction or damaging of plants including trees, shrubs herbaceous growth, by methods including but not limited to cutting, bulldozing, plowing, regrading, digging, or intensive use of herbicides (in which selective species are intended to be eradicated or which the intent is to defoliate).

Divided Street: A street having an island or other barrier separating moving lane.

Domesticated Animal: A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild form.

Dog Kennel: The keeping of four (4) or more dogs that are more than six (6) months old.

Domiciliary Care Unit: An existing building or structure designed for a dwelling unit for one family which provides 24-hour supervised living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

Double Frontage Lot: A lot fronting on two streets other than a corner lot.

Downzoning: A change in the zoning classification of land to a classification permitting development that is less intensive or dense, such as from multifamily to single-family or from commercial or industrial to residential.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage Facility: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any land development or contiguous land areas.

Drive-In Establishment: Any commercial business, including an eating establishment, offering refreshments, entertainment, or services to patrons, who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building, including patrons who may be served in their automobiles.

Drive-In Facilities for Permitted Uses: Accessory to the permitted use to provide additional services for public use.

Driveway: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Driveway/Access Road: A cartway or traveled path, improved or unimproved, by means of which ingress and egress to and from private property is gained and which intersects with a township, state or county right-of-way.

Drop Manhole: A manhole provided for inspection and maintenance of sewers where an incoming sewer is considerably higher than the outgoing.

Drop Pipe: A vertical pipe used to convey sewage from a higher to a lower elevation.

Dry Lines: *See* Capped System.

Drug Store: A retail store where medicines, prescriptions and miscellaneous articles such as food, cosmetics, and film are sold.

Dusk: The state or period of partial darkness between day and night.

Dwelling: A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

Dwelling Group: A group of two or more one-family, or multiple dwelling structures occupying a lot under one ownership and having any yard in common.

Dwelling, Industrialized Housing: Any structure designed primarily for residential occupancy, except a manufactured home, which is wholly or in substantial part make, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction.

Dwelling, Manufactured Home: A transportable, single family detached dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

Dwelling, Multi-Family: A building designed, occupied or used by three (3) or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

Dwelling, Multiplex: A multiplex is a single-family or multi-family attached dwelling. In general, all units have independent outside access and may be arranged in a variety of configurations. No more than four (4) units shall be attached in any group.

Dwelling, Single Family, Attached (Row): A dwelling designed, occupied or used by one family, having two (2) party walls in common with other buildings and no side yards, commonly called row houses or townhouses.

Dwelling, Single Family, Detached: A dwelling used by one (1) family, having one (1) side yard, one (1) party wall in common with another dwelling. (Figure 5)

Dwelling, Single Family, Semi-Detached: One building arranged or designed for dwelling purposes where two dwelling units exist, separate from each other by a party wall and having two (2) side yards. (Figure 5)

Dwelling, Townhouse: A dwelling, the walls on two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls and consisting of more than two (2) dwellings. (Figure 5)

Dwelling, Two Family, Detached (Duplex): A building used by two (2) families, with one (1) dwelling. (Figure 5)

Dwelling, Two Family, Semi-Detached: A building used by four (4) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building. (Figure 5)

Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities and toilet and bathroom facilities and arranged for occupancy by not more than one (1) family.

Easement, Utility: A right-of-way granted for the limited use of land for public, quasi-public or private purposes.

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

Emergency Medical Treatment Facility: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an out-patient basis.

Eminent Domain: The legal right of government to acquire or "take" private property for public use or public purpose upon paying just compensation to the owner.

Engineer: A Professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

Engineering Land Surveys: Surveys for: (I) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgement: Provided, however, that tract perimeter surveys shall be functions of the Professional Land Surveyor; (ii) the determination of the configuration or contour of the earth's surface, or the position of fixed object thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (iii) geodetic or cadastral survey, underground survey and hydrographic survey; (iv) sedimentation and erosion control surveys; (v) the determination of the quantities of materials; (vi) tests for water percolation in soils; and (vii) the preparation of plans and specifications and estimates of proposed work as described in this subsection.

Engineering Specifications: The Engineering Specifications of the municipality regulating the installation of any required improvement for any facility installed by any owner, subject to public use.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Environmental Impact Statement: A study of the environmental impacts on a site as delineated in the Township's Subdivision and Land Development Ordinance.

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

Escrow: A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Exaction: A contribution or payment required as an authorized precondition for receiving a development permit.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

Exclusionary Zoning: Zoning which has the effect of keeping out a community racial minorities, poor people, or in some cases, additional population of any kind.

Exotic Wildlife: Includes, but is not limited to, reptiles and all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds, animals, or reptiles were bred or reared in captivity or imported from another state or nation.

Family: A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or one or more than three (3) unrelated individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group, family care/group care facility, commune, or institution.

Family Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family like environment for four (4) to eight (8) residents, plush such minimum supervisory personnel, as may be required to meet standards of a licensing agency. Residents may not be legally related to the facility operators or supervisors and by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses as foster homes, community residential alternative facilities, or home individual programs.

Family Day Care Home: A residence offering babysitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day care home is permitted accessory use in any residential district.

Farm: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purposes of this Ordinance, a farm shall not include the raising of furbearing animals, riding academy, livery or boarding stables, or dog kennels.

Fences: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy or to protect the property so screened or divided or to define and mark the property line when such structure is erected on or within two (2) feet of any front side or rear line; for the purpose of this Ordinance, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Ordinance when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," said yard lot lines, and "front yard lot lines." side

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point n the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Filling Station: Any area of land, including structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion or motor vehicles and which may

include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Final Approval: The official action of the planning board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

Final Plat: The final map of all or a portion of a subdivision which is presented for final approval.

Finding: A determination or conclusion based on the evidence presented and prepared by a hearings body in support of its decision.

Flag Lot: *See* Lot, Flag.

Floating Zone: A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped.

Flood, 100-Year: A flood which is likely to be equaled or exceeded once every 100 years (i.e., that has a one (1%) percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood, 500-Year: A flood which is likely to be equaled or exceeded once every five hundred (500) years (i.e., that has a one-fifth (1/5) of one (1%) percent chance of being equaled or exceeded in any given year. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood Boundary, 100-Year: The outer boundary of an area of land that is likely to be flooded once every one hundred (100) years (i.e., that has a one (1%) percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define its boundary.

Flood Boundary, 500-Year: The outer boundary of an area of land that is likely to be flooded once every five hundred (500) years (i.e., that has one-fifth (1/5) of one (1%) percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United

States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

Flood Elevation, 100-Year: The water surface elevations of the 100-Year Flood. (Figure 6)

Flood Elevation, 500-Year: The water surface elevations of the 500-Year Flood.

Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Flood Plain: A flood plain may be either or a combination of: (a) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a 100-year design frequency storm; or (b) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source. (Figure 6)

Flood Hazard Boundary Map: Means an official flood hazard may be issued or approved by the Federal Insurance Administrator.

Flood Plain or Flood-Prone Area: Means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded. Flood plain area special flood hazards means that maximum area of the flood plain that, on average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year).

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term floodproofing shall also mean that the structure together with attendant utility and sanitary facilities be designed so that any space below the Regulatory Flood Elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

Floodway: The areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. (Figure 6)

Floodway Fringe: Those portions of land within the FP-Floodplain District subject to inundations by the 100-year flood, beyond the floodway in areas where detailed study and profiles area available.(Figure 6).

Floor Area of a Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, including cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than six (6) feet and floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

Floor Area Ratio: The ratio of floor area of a building to its lot area. When a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of 10,000 square feet is limited to a maximum of 4,000 square feet. When number of stories are optional, the building area may be 4,000 square feet for one story; 2,000 square feet for two stories, and so forth. (Figure 7)

Floor Area Retail, Net: All that space relegated to use by the customer and the retail employee to consummate retail sales, and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

Florist: One who sells or grows for sale flowers and ornamental plants.

Frontage: The horizontal or curvilinear distance along the street line upon which a lot abuts.

Future Right-of-Way: (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Garage: *See* Automobile Garage.

Garage, Private: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

Garage, Public: Any garage not a private garage and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

Garden Apartments: A two (2) story multi-family structure, containing one (1) story dwelling units, under one ownership. *See* Dwelling, Multi-Family. (Figure 6)

Garden Structures: Any accessory structure which may be used or occupied for other than sleeping or general housekeeping purposes.

Gardening: The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

Golf Course: Any regulation 18-hole golf course not including any driving ranges, "chip n' putt, nine hole, or miniature golf courses.

Governing Body: The Board of Supervisors (Township Supervisors) of the Township of Middle Paxton, Dauphin County, Pennsylvania.

Governmental Authority: Any federal, state or local agency having authority over health factors, such as sewers, water and other related matters.

Grade: The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

Grade, Established: The elevation of the center line of the streets as officially established by the municipal authorities.

Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designed relating thereto.

Gross Residential Density: The number of dwelling units divided by the land area proposed to be used for residential purposes, excluding interior or exterior rights-of-way and lands intended for commercial or other nonresidential uses, but including interior parking areas, sidewalks, parks, playgrounds and common open space.

Ground Floor: The floor of a building nearest the mean grade of the front of the building.

Group Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

Group Day Care Home: A residence offering babysitting services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

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

a. Involves the care of the maximum number of persons permitted by the "group quarters" standards of Section 1316 and meets all other standards of such section.

b. Involves persons functioning as a common household unit.

c. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, or mental retardation/developmental disability, or that the

applicant proves to the satisfaction of the Zoning Officer and meets the definition of "handicap" as defined by applicable Federal law.

d. Does not meet the definition of a "group quarters."

e. Does not involve the housing or treatment of persons who: a) could reasonably be considered a threat to the physical safety of others, and/or b) were previously convicted of a sexual offense committed against a minor.

(* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addition to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.)

(NOTE: For a use that would include more than the number of residents permitted under a "Group Home," *See* "Group Quarters", which is a district use.)

Group Quarters: Any dwelling or portion thereof which is designed or used for four (4) or more persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but is not limited to, lodging or boarding houses, fraternity and sorority houses and dormitories and other quarters of an institutional nature. Group quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

Gutter: That portion of a right-of-way carrying surface drainage.

Halfway House: A licensed home for inmates on released from more restrictive custodial confinement or initially place in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live indepently. Such facility must be leased and operated by the Pennsylvania Department of Corrections for such services.

Hazardous Material: Materials which are classified by the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage such as logs, storage tanks, and large containers, located in flood prone areas.

Hazardous Waste: Any substance classified by the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to

damage health or impair safety including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,

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

"Hazardous waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended, in the definition appearing in 35 P.S. ___ 6018.103.

Hazardous Waste Facility: Any structure, group of structures, above ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communication Tower, including antennas mounted on the tower.

Height Development Regulations: Zoning regulations that limit the maximum height of buildings within particular zones.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Helistop: A heliport but without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Highway: *See* Streets.

Historic Site: A structure or place of historical significance. May be designated as such by local, state, or federal government.

Home Gardening: The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling excluding the keeping of livestock, and permitting the sale of produce raised thereon.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein providing that the use is clearly

incidental and secondary to the use of the property for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.

Hospital: A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care, including establishments as a sanatorium, sanitarium or preventorium.

Hotel: A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, in which building:

a. There are more than ten (10) sleeping rooms;

b. Fifty percent (50%) or more of the gross floor area shall be devoted to residential use;

c. There may be club rooms, ball rooms, common dining facilities and swimming pools;

d. Such hotel services as maid, telephone and postal services are provided.

e. Business may be conducted when accessory and incidental.

Hotel, Apartment: A building designed for occupancy, primarily as the permanent abiding place for families who are lodged with or without meals, in which building;

a. More than fifty (50) percent of the gross floor area devoted to residential use is in dwelling units.

b. Business may be conducted when accessory and incidental.

c. Such hotel services as common dining facilities, maid, telephone and postal services are provided.

d. There may be club rooms and ballrooms.

Hotel, Residential: A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

House of Worship: A building for religious worship.

Hydrologic Response: The properties, distribution, and circulation of water.

Hydrogeologic Study: An inventory of the source, quantity, yield and use of ground water and surface water resources within the Township.

Impervious Surface: A surface that does not absorb rain, including all buildings and other structures, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete and nonporous asphalt and other such areas as shall be determined to be nonporous by the Board of Supervisors and/or Township Engineer.

Impoundment: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees.

Improved Public Street: Any street for which Township, County, or Commonwealth has maintenance responsibility and which is paved with an approved hardtop surface.

Improvements, Public: Streets, pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

Impulsive Sound: Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop force impacts, punch presses, and the discharge of firearms.

Incinerator: An approved device in which combustible material is burned to ashes.

Individual On-Lot Sewage System: Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Indoor Recreation Facility, Theater, Pool Parlor: An establishment in which any recreational activities, be it ping-pong, billiards, or a play or movie is carried out for pure entertainment purposes for both the participants as well as the audience.

Industrial Park: A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of these industries, with separate building designed and arrange to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

Industry: The manufacturing, compounding, processing, assembling, or treatment of materials, articles, or merchandise.

Inoperable Motor Vehicle: A vehicle intended to be self propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection.

Institutional Facility: A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children; homeless, aged or inform persons; or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals or institutions for the custody, care or treatment of persons suffering from amentia, mental derangement or drug or alcoholic addiction.

Interior Lot: *See* Lot, Interior.

Interior Walk: The right of way for pedestrian use extending from a street into a block or across a block to another street.

Junk Yard: Any place within the Township where junk as herein defined is stored, disposed of, accumulated or maintained. Any premises having one (1) or more used, unlicenced and/or inoperable automobiles or other vehicles thereon shall in any event be deemed a "junkyard"; provided, however, that any used automobile dealer or any automobile or truck dealer who is licensed or franchised as such dealer may store upon premises occupied by him, for a period not to exceed thirty (30) days, any one (1) junked automobile, with no more than three (3) junked automobiles at any one time ever to be upon such premises. Should such used automobile dealer or any licensed or franchised automobile or truck dealer have a junked automobile upon the premises for more than thirty (30) days or in excess of the permitted number of junked automobiles, the premises of the used automobile dealer or the licensed or franchised truck or automobile dealer shall be a "junk yard" under the terms of this chapter.

Junked Motor Vehicle: A motor vehicle from which parts or accessories have been removed or that shall be inoperable as a result of damage thereto.

Kennel: An establishment for the sheltering of four (4) or more canines that are more than six (6) months old.

Land Development: Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any other purpose involving,

   a. group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

   b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features; or

2. a subdivision of land.

3. Land development shall not include:

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

b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Land, Improved: Raw land which has been provided with basic utilities such as water and sewerage, streets, and, if required, sidewalks; such improvements normally precede residential or other construction.

Land, Raw: Vacant land, unsubdivided and unimproved with utilities.

Landfill: *See* Sanitary Landfill.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Land-use Controls: A term generally referring to the use of police power techniques to control and guide land use and development.

Launderette: A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment.

Laundry and Dry Cleaning Establishments: A business premise equipped with large scale clothes washing and dry cleaning equipment and can include drop off and pick-up of clothing by retail customers.

Laundry and Dry Cleaning Establishments (Personal): A business premise equipped with individual clothes washing equipment for the use of retail customers or the drop-off and pick-up of clothing for dry cleaning by retail customers.

Library: A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

Lighting:

1. Diffused - That form of lighting wherein the light passes from the source through a translucent cover or shade.

2. Direct of Flood - That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

3. Indirect - The form of lighting wherein the light source is entirely hidden the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

Line, Street: *See Street Line.*

Livestock: Any wild or domestic animal of the bovine, swine or sheep family.

Loading Space: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on or has access to a street.

Location Map: A map showing the site with relation to adjoining areas.

Lodging House: A building in which three (3) or more, but not more than fifteen (15) rooms are intended and in which no table board is more than fifteen (15) rooms are rented and in which no table board is furnished.

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

Lot, Area: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.

Lot, Corner: A lot with two (2) adjacent sides abutting on streets which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees. (Figure 8)

Lot, Flag: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway. (Figure 8)

Lot, Interior: A lot other than a corner lot. (Figure 8)

Lot Coverage: The total of impervious areas including building area divided by lot area.

Lot Depth: The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

Lot Lines: The boundary lines of a lot as defined herein.

Lot, Medium Width: The minimum lot width at the building setback line.

Lot, Nonconforming: A lot of record prior to the enactment of the Zoning Ordinance of Middle Paxton Township, which by reason of area or dimension, does not conform to the requirements of the District in which it is located.

Lot, Reverse Frontage: A lot extending between, and having frontage on, an arterial street and minor street, and with vehicular access solely from the latter.

Lot, Through: A lot with front and rear street frontage. (Figure 8)

Lot of Record: A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

Lot Width: The distance measured between the side lot lines at the required or proposed building setback line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single family attached dwellings, lot width shall be measured between the center lines of party walls. On corner lots, lot width shall be measured between the center lines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line. (Figure 1)

Major Arterial: Any thoroughfare so designated by the Township Comprehensive Plan.

Major Roadway: A major thoroughfare or part thereof, which when open to public use, access is limited from abutting property and other streets to locations and in the manner approved by the municipality and/or the Pennsylvania Department of Transportation.

Manhole: An inspection chamber whose dimensions allow easy entry and exit and working room for a person inside.

Manning Equation: A method for calculating the hydraulic capacity of a conduit to convey water.

Manufactured Home: *See* Dwelling, Manufactured Home.

Manufactured Home Lot: A parcel of land, in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home. *See* also Mobilehome Lot.

Manufactured Home Park or Subdivision: A parcel, or contiguous parcels, of land which has been planned and improved for the placement of two or more manufactured homes. *See* Mobilehome Park.

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 of the refinishing of manufactured articles.

Manufacturing Uses: Manufacturing and storage uses that do not constitute an unusual fire or explosion hazard or create a nuisance by reason of smoke, odor, dust, noise or glare. Also, manufacturing uses that do not cause: dust, smoke, fumes, gas or offensive odors to be disseminated beyond the lot boundaries; vibration beyond lot boundaries; noise exceeding that of off-street traffic at the front lot line; or a glare observable from beyond the lot boundaries. These include, but are not limited to, food processing; manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; and stone and clay processing; printing, polishing, photography and related industries; instrument, tool and die and cabinet making; metal and wood fabrication; assembly of electronic apparatus; electroplating, molding and other related industries; warehousing and distribution.

Manure: The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

Manure Storage Facilities: *See* Animal Waste Storage Facilities.

Marginal Access Street: Minor streets, parallel and adjacent to major traffic streets which provide access to abutting properties and control intersections with major traffic street.

Massage Parlor: An establishment whose business emphasis is the administration of non-sexually oriented massage to patrons by employees.

Mean Sea Level: The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

Median: That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Medical and Similar Labs and Clinics: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

Membership Club: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, but not including members of the general public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. This use shall not include boarding house, a tavern, restaurant open to the general public, or an auditorium unless that particular use is permitted in that District and the applicable requirements of that use are met.

Metes and Bounds: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or, in rural areas, a tree or other permanent feature.

Mineral Extraction: A lot of land or part thereof used for the purpose of extracting coal, stone, sand, clay, gravel or top soil for sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Mini-Storage Warehouses: A facility providing for the enclosed storage of household items or recreational equipment where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

Minor Subdivision: The subdivision of a single lot, tract or parcel of land into five (5) lots, tracts or parcels of land, for the purpose, whether immediate or future, or transfer or ownership or of building development, providing lots, tracts or parcels of land thereby created having frontage on an improved public street or streets and providing further and there is not created by the subdivision any new street, streets easement, easements of access or need therefore.

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

Mobilehome: A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by the PA Code, Title 67, for operation on a highway and is only incidentally operated on a highway, including a unit transported on a removable or nonremovable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters—commonly known as a "modular unit." *See* also Dwelling, Manufactured Home.

Mobilehome Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

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

Mobilehome Sales Lot: An open lot for the outdoor display of new or used mobile homes.

Mobilehome Subdivision: A group of mobilehomes whose lots on which these mobilehomes are located are owned separately by the owner of each mobilehome.

Modular Home: A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, single family attached, two family detached, two family semi-detached and multi-family that is in substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

Monument: An object set in the earth to mark a boundary.

Mortuary or Undertaking Facility: A place in which human remains are prepared and stored prior to burial.

Motel: A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

Motor Freight Terminal: A terminal that is primarily centered around the storage and distribution of motor freight.

Motor Vehicle Inspection: An annual inspection performed under applicable provisions of law and Department of Transportation regulations, pursuant to Title 67 of the Pennsylvania Code.

Motor Vehicle Registration: The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate, pursuant to Title 67 of the Pennsylvania Code.

Multiple Dwelling Building: A building providing separate living quarters for three or more families.

Municipal Waste: Municipal waste as defined in the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988 as may be amended and supplemented.

Municipal Waste Planning, Recycling and Waster Reduction Act: The Act of July 28, 1988, P.L. 556, No. 101, 53 P.S. ____4000.101 et.seq., as the same may be amended and supplemented.

Municipalities Planning Code (MPC): The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. ___10101 et seq.

Municipality: The Township of Middle Paxton.

Natural Feature: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to life, property, or the natural environment.

Natural Production Uses: A lot of land or part thereof used for the purpose of extracting stone, sand, clay, gravel or top soil for the sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Newspaper and Printing Establishments: Any establishment that is engaged in the printing of newspaper or similar material on a regular basis.

Nightclub: Any building used for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment.

Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and wine as an accessory use. "Nightclub" includes an "under 21" club which features entertainment.

Nonconforming Lot: A lot of which the area or dimension was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign: A sign which does not conform to the regulations of the district in which it is located.

Nonconforming Structure: A structure or part of a structure that does not comply with the applicable provisions in this Ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nonconformity, Dimensional: Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursery, Horticulture: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

Nursing Home: *See Convalescent Home.*

Off-Site: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Off-Street Parking Space: A parking space provided in a parking lot, parking structure, or private driveway.

Off-Tract: Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

Offices, Contractors: "Contractor's Offices" means an office or shop with an accessory storage yard, of a building, electrical, or mechanical contractor.

Offices, Corporate: "Corporate Offices" means executive and administrative offices of business firms.

Offices, Professional: "Professional Offices" means an office that includes accountants, actuaries, advertising agencies, medical and dental services, opticians, attorneys, bonding agents, photography and art studios and miscellaneous consulting services.

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

Office Center: A group of offices planned and designed to function as a unit for the lot(s) on which it is located with off-street parking provided as an integral part of the unit.

Official Map: A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

On-Site: Located on the lot in question.

On-Street Parking Space: A parking space that is located on a dedicated street right-of-way.

Open Pit Mining: Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land materials, mineral resources, natural resources, or other elements of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space Development: An area of land to be developed as a residential community in which the dimensions of the individual lots may be reduced, but in which common areas are provided so that the overall density required in that zoning district is maintained and in which open space constitutes an outdoor playground area or sports field, open space, or scenic vista.

Outdoor Recreation Areas, Private and Semi-Public: The use of open land for leisure time activities, such as a beach, swimming pool, tennis courts, golf courses or similar establishments that are not publicly owned.

Overlay Zones: A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Owner: Any person who, alone or jointly or severally with other persons, has legal title to any premises. This does not include a lessee, subleassee or other person who merely has the right to occupy or possess a premises.

Owner-Occupied: A premises that is used as a primary residence by the owner.

Parcel: A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Parking Garage: A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

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

Parking Space: The area required for parking one automobile, which in the Zoning Ordinance of Middle Paxton Township is held to be an area nine (9) feet wide and (20) feet long, plus a share of the area for access. The minimum area per parking space shall be 270 square feet to include space for parking and access ways.

Party: A person or group taking one side of a question, dispute, or contest.

Pedestrian Walkway: An improved thoroughfare designated exclusively for pedestrian traffic.

Performance Bond: An agreement by and between a contractor and a bonding company in favor of the developer and the Township Board of Supervisors guaranteeing the completion of physical improvements.

Performance Standards: A minimum requirement or maximum allowable limit on the effects or characteristics of a use, usually written in the form of regulatory language.

Permissible Use: A use by right which is specifically authorized in a particular zoning district.

Person: Any individual or group of individuals, partnership, association or corporation.

Personal Services: Personal services shall include and be limited to barber shops, beauty salons, photographic studios and tailoring.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Pesticide: Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms or plant or animal life.

Petroleum Product: Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

Plan: The map or plan of a subdivision or land development, whether sketch, preliminary or final.

a. Plan, Final - A complete and exact land development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

b. Plan, Preliminary - A tentative land development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

c. Plan, Sketch - An informal land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.

Plan, Construction Improvement: A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts, public utilities and other improvements as required by the Subdivision and Land Development Ordinance for Middle Paxton Township.

Plan, Final: A complete and exact subdivision plan prepared for official recording as required by statute.

Plan, Preliminary: A tentative subdivision plan, in a lesser detail then the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.

Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

Planned Residential Development: An area of land, controlled by a land-owner to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of the Zoning Ordinance of Middle Paxton Township.

Planned Unit Development: An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures

to accommodate commercial or office uses, or both, and appurtenant common areas and other uses incidental to the predominant uses.

Planning Agency: The Planning Commission of Middle Paxton Township.

Planning Module for Land Development: A revision to, or an exception to a revision to, the Township's Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

Plat: The map or plan of a subdivision of land development, whether preliminary or final.

Potable Water Supply: Water suitable for drinking or cooking purposes.

Power Generation Facility: A facility which generates electric power for the purpose of transmission of such electricity to other users not located at the site where the electricity is generated.

Practice of Engineering: Means the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines, equipment, processes, works of engineering systems, and the consolation, investigation, evaluation, engineering surveys, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under the laws of the Commonwealth as professional engineers unless exempt under other provisions of the laws of the Commonwealth. The term "Practice of Engineering" shall also mean and include related acts and services that may be performed by other qualified persons, including but not limited to, municipal planning, incidental landscape architecture, teaching, construction, maintenance and research but licensure under the laws of the Commonwealth to engage in or perform any such related acts and services shall not be required.

Practice of Land Surveying: Means the practice of that branch of the profession of engineering which involves the location, relocation, establishment, re-establishment or retracement of any property line or boundary of any parcel of land or any road right of way, easement of alignment, the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions, procuring or offering to procure land surveying work for himself or others, managing or conducting managers, proprietors or agents any place of business form which land surveying work is solicited, performed, or practiced, the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under the laws of the Commonwealth as a professional land survey unless exempt under other provisions of the laws of the Commonwealth.

Pre-Application Conference: An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

Preliminary Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

Preliminary Subdivision Plat: A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

Premises: The property upon which the activity is conducted as determined by physical facts rather than property lines.

Primary Residence: The premises where a person has legal residency.

Private: Not publicly owned, operated or controlled.

Private Street or Road: A roadway that provides direct access to not more than three (3) residential lots having a right-of-way of not less than fifty feet (50') and than can be used only by traffic having a destination in that immediate area.

Private or Non Public Street: All streets which are not public, including, but not limited to streets maintained by private agreements, by private owners, or for which no maintenance responsibility has been established.

Professional Engineer: Means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this ordinance; however, a professional engineer may perform engineering land surveys.

Professional Land Surveyor: Means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

Professional Occupation: The practice of a profession by an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, or city planner entitled to practice under the laws of the Commonwealth of Pennsylvania.

Profile Line (Street Center Line): Means the profile of the center line of the finished surface of the street, which shall be midway between the sidelines of the street.. (Figure 1)

Public: Owned, operated or controlled by a governmental agency (Federal, state or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Department of Education).

Public and Other Transmission and Distribution Facilities: Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

Public Utility Transmission Tower: A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.

Public Grounds: Includes:

a. parks, playgrounds, trails, paths and other recreational areas and other public areas;

b. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

c. publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or Planning Commission, intended to inform and obtain pubic comment, prior to taking action in accordance with this Ordinance.

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the Township. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

Public Parks and Recreation Areas: Locations for leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction, except for the rules and standards of conduct and use. *See* Public

Public Road: Any road, whether publicly or privately owned, which is dedicated or opened to the use of the general public.

Public Sewer: A municipal sanitary sewer system, or a comparable common or package sanitary facility approved by the State of Pennsylvania, Department of Environmental Protection.

Public Street: A street ordained or maintained or dedicated and accepted by the Township, County, State, or Federal Governments and open to public use.

Public Uses and Buildings: Includes public and semi-public uses of welfare and educational nature, such as schools, parks, fire stations, municipal buildings and municipal garages, etc.

Public Utility Buildings and Structures: Any structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

Public Utility Transmission Tower: A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Public Water: A municipal water supply system, or a comparable common water facilities approved by the State of Pennsylvania, Department of Environmental Protection.

PUD: *See* Planned Unit Development.

Quarry, Sand Pit, Gravel Pit, Borrow Pit, Top Soil Stripping: *See* Open Pit Mining.

Race Track: A course prepared for racing.

Recreation: Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including, but not limited to:

a. Sports (individual, dual, team, co-recreational, and combative), athletics; both land and water-based.

b. Arts and crafts, spectating, picnicking, nature study, and board games.

c. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

Recreation, Active: Any activity that requires some physical exertion on the part of the participant.

Recreation, Passive: Any activity that requires little or no physical exertion on the part of the participant. *See Recreation b) and c)* for general examples.

Recreation Area Accessibility: Any area which can be easily approached, entered and used by the citizens of a particular residential development provided that the area is within six miles of the development.

Recreation Area, Active: Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

Recreation, Area, Passive: Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

Recreation Area Required: The amount of land in any given subdivision that would be dedicated for recreation where the fee in lieu of land dedication provision is not being utilized.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle (including Camping Trailer, Motor Home, Travel Trailer, and Truck Camper), and a body width of not more than eight (8) feet and a body length of not more than thirty-five (35) feet when factory equipped for the road, and licensed as such by the Commonwealth.

Recreational Vehicle Park or Camp Ground: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for

temporary living quarters, for recreational, camping and travel use, or recreational vehicle camp ground lots rented for such use, thereby constituting a "land development."

Recycling Yard: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Regulatory Flood Elevation: The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

Renewable Energy Source: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to hydroelectric energy and excluding those sources of energy used in the fission and fusion process.

Residential Development: A subdivision or land development as those terms are defined in the Pennsylvania Municipalities Planning Code, whether initially or cumulatively, of a tract under single or separate ownership, for the purpose of erecting residential dwelling units.

Resort: A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

Restaurant: A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on premises consumption. If carry-out service is available, this shall constitute less than ten (10) percent of sales volume.

Re-subdivision: Any subdivision or transfer of land, laid out on a plan which has been approved by the Township Supervisors of the Township of Middle Paxton which changes or proposes to change property lines and/or public right of way in strict accordance with an approval plan.

Retail Business: Retail business shall include variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: A pond, pool, or basin used for the permanent storage of water runoff.

Retirement Village: A planned community for senior citizens which will provide care, supervision, living accommodations, and recreation. The entire community shall be retained in single ownership. The community may include, for exclusive use of residents and their guests, related accessory

facilities such as administrative offices, complete health care facilities, dining facilities, social rooms, craft and hobby shops, laundry facilities, gift shops and overnight guest rooms.

Reverse Frontage Lot: A lot extending between and having frontage on an arterial street and a minor street with vehicular access solely from the latter.

Rezoning: An amendment to or change in the zoning ordinance. Rezonings can take three forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels.

Riding Academy or Boarding Stable: An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch or similar establishment.

Right-of-Way: A strip of land occupied or intended to be occupied by a street crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established. (Figure 1)

Right-of-Way, Street: A public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land or however designated.

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

Sanitary Landfill: A site for solid waste disposal. A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

Sanitary Landfilling: A planned method of solid waste disposal in which solid waste is spread in thin layers, compacted to reduce its volume, and covered with earth at the end of each working day.

Satellite Dish Antenna: A device incorporating a reflective surface which is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, televisions receivers only or TVROs, and satellite microwave antennas.

School: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

School, Commercial: A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing or riding.

School, Non-Public: An educational facility not operated by a public agency.

School, Nursery (Day Care Center): A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

School, Public: A public place of instruction other than a commercial school operated by a Public Agency.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

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

Seepage Bed: A covered pit or bed with open-jointed lining through which septic tank effluent may see or leach into the surrounding soil.

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Service Shops and Establishments: Any privately-owned place of business carried on for profit, any place of amusement or entertainment to which the public is invited, and any similar place.

Setback (Building Setback Line): The line within a property defining the required minimum distance between any enclosed structure and the ultimate adjacent right of way, and the line defining rear and side yards where required.

Severe Slope: Land with a twelve (12) foot or greater change in elevation within 100 feet or less in horizontal distance, or in other terms twelve (12) percent or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = (0.0023\ I \times L) - A$$

S = Average percent slope of site.
I = Contour interval in feet.
L = Sum of the length of contours in feet.
A = Land area in areas of parcel being considered.

Sewage Disposal System (On Site): Any system designed to eliminate sanitary sewage within the boundaries of the lot.

Sewage Disposal System: (Public): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

Sewage Enforcement Officer (SEO): The Sewage Enforcement Officer of the Township.

Sewer: A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent. *See* also Community Sewage System and Individual On-Lot Sewage System.

Shade Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street.

Shooting Range: A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation, competition, skill development and/or training. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Shopping Center, Mall or Plaza: A group of stores planned and designed to function as a unit for the lot(s) on which it is located with off-street parking provided as an integral part of the unit.

Shoulder (Street): The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of pavement.

Sidewalk: A paved walkway, continuous for a reasonable distance and an integral part of the roadway, with or without a grass strip between the curb or cartway edge and sidewalk, constructed solely for use by pedestrians. (Figure 1)

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (Figure 2)

Sign: Any device, structure, surface or fabric, whether permanent or temporary, which uses symbolic representations for visual communication and used for the purpose of bringing a subject to the attention of the public. Additional sign definitions are as follows:

a. Advertising Sign (Billboard) - A sign which directs attention to a business, product, service, activity or entertainment sold or offered not upon the premises where such sign is located.

b. Business Identification Sign - A sign which directs attention to a business, product, service, activity or entertainment sold or offered upon the premises where such sign is located.

c. Free Standing Sign - A sign supported by uprights or braces placed upon the ground and not attached to a building.

d. Attached Sign - A sign that is attached to a building or other structure that is parallel to the building and does not extend more than 12" from a building.

e. Directional Sign - A sign which directs attention to a business, profession, industry or activity conducted upon the property in which the sign is located.

f. Temporary Sign - Any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a limited period of time as specified in the Zoning Ordinance.

Sign Area: That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc. which are not part of the main supports of the sign, are to be included in determining sign area.

Single Loaded Streets: Streets having houses only on one side. [Comment: When lots are trimmed down in width developers can easily reserve certain street lengths for single loading–such as alongside conservation areas or around village greens or commons–without increasing their average houselot to street length ratios. Single-loading provides home buyers with views that are more uplifting than their neighbors' garage doors staring back at them. It also provides all subdivision residents with welcome views of their conservation land as they drive, bike, jog, or walk through their neighborhood on a daily basis, increasing everyone's quality of life as well as their property values][1]. (Figure 9)

Site Plan: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Skeet, Rifle or Archery Range: Any area (usually in a sportsmen's or outdoor club) in which skeet shooting, rifle shooting, or archery is practiced.

Sketch Plan: A rough plan of proposed subdivision or other development.

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

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1 Arendt, Randall G. *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks.* Washington, D.C.: Island Press, 1996.

Soil Cement: A mixture of Portland cement and locally available soil. It serves as a soil stabilizer.

Soil Percolation Test: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

Soil Stabilization: Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

Solid Waste: Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

Solid Waste Disposal: The incineration, deposition, injection, dumping, spilling, leaking or placing of solid wastes into or on the land or water in a manner that the solid waste or constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the municipality.

Solid Waste Disposal Area or Facility: A lot, parcel or tract of land including but not limited to a sanitary landfill where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. Such use shall not include the disposal or processing of biological excrement, hazardous or radioactive materials. A trash or solid waste transfer facility is a type of solid waste disposal facility.

Solid Waste Landfill: A lot, parcel or tract of land including but not limited to a sanitary landfill where garbage, trash or junk is disposed. Meets all requirements of the Pennsylvania Department of Environmental Protection and possesses a permit from PADEP to operate such facility.

Solid Waste Processing Facility: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.

Solid Waste Management Act: The act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. ___6018.101 et seq., as may be amended and supplemented.

Special Exception: A special exception shall be the permission or approval granted by the Zoning Hearing Board in situations where provision therefor is made by the terms of the Zoning Ordinance of Middle Paxton Township.

Special Occasion Home: An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although

not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

Specified Anatomical Areas:

a. Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy; and

c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Spot Zoning: Zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property.

Stable, Private: An accessory building in which horses are kept for private use of the land owner and not for hire, remuneration, exhibition or sale.

Stable, Public: A building in which any horses are kept for remuneration, hire, or sale.

Stoop: A covered or uncovered area at the front , side or rear door not exceeding four (4) feet by five (5) or twenty (20) square feet in area.

Storage Shed: A structure not intended for residential occupancy which is necessary to the principal use of the property as a place to store personal property.

Storage Trailer: (To be provided)

Storm Water Detention: A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. (Figure 10)

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

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

1. Expressways - A limited access interregional arterial route. They are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

2. Arterial Street - A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

3. Collector Street - A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

4. Minor Street - A street used primarily for access to abutting properties.

5. Marginal Access Street - A minor Street which is parallel and adjacent to limited access highways or arterial streets which provide access to abutting properties and protection from through traffic.

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

Street Line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

Street Width: The distance between street lines measured at right angles to the center line of the street.

Strip Zoning: A zone normally consisting of a ribbon of uses fronting both sides of an arterial roadway and extending inward for half a block

Structure: A combination of materials the use of which requires location on the ground, or attachment to something having location on the ground and includes, among other things, buildings, stadiums, platforms, radio towers, communications antennas and towers, sheds, storage bins, fences, and display signs.

Studio, Dancing or Music: The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one (1) student may be taught in a class at one time. The term is synonymous with "Dancing School" and "Music School", and other similar expressions.

Subdivider: The owner or authorized agent of the owner of the lot, tract or parcel of land to be subdivided for sale or development under the terms of this Ordinance. *See* Applicant or Developer.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease petition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

Subgrade: The natural ground lying beneath a road.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) is the structure has been damaged, and is being restored, before the damage occurred. For the purposes of the Zoning Ordinance of Middle Paxton Township, substantial improvements is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register o Historic Places or a State Inventory of Historic Places.

Substantially Completed: Where, in the judgement of the Township Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approve plan, so that the project will be able to be used, occupied or operated for its intended use.

Supervisors: The Board of Supervisors of the Township.

Supply Yards: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. "Supply yards" do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

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

Swimming, Bathing or Other Pool, Private: Any pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds, and/or lakes are not included provided that swimming and/or wading was not the primary purpose for their construction. *See* Wading Pool.

Taking: The appropriation by government of private land for which compensation must be paid.

Tavern: An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Telephone Central Office: A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio telephone messages between subscribers and other business of the telephone company, but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

Theater: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

Theater, Outdoor Drive-In: An open lot or part thereof, with its apartment facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admissions basis, to patrons seated in automobiles, or on outdoor seats.

Through Lot: A lot which abuts a street on two or more opposing or non-adjacent sides. (Figure 8)

Title Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

Topsoil: Surface soils and substances which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

Tourist Court: *See* Motel.

Tourist Home: *See* Bed and Breakfast.

Townhouse: Single family attached dwelling units of one or two story construction so situated that there are three (3) or more units contiguous to one another with some common walls, adjacent parking facilities and common yards or open space provided for all occupants.

Township: The Township of Middle Paxton, Dauphin County, Pennsylvania, Board of Supervisors (Township Supervisors), its agents or authorized representatives.

Tract:

A. In certain districts, the tract is the minimum amount of land required to be approved or have been approved in a preliminary subdivision or land development plan prior to subdivision into allowed lots smaller than the minimum tract size.

B. Access. A tract shall only include areas of land that in the approved preliminary plan included a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior of the tract.

C. Ownership. At the time of the approval of the preliminary plan, the tract shall have one (1) "landowner" as defined herein. If more than one person, entity, or corporation is involved as the landowner, such applicant shall provide evidence acceptable to the Zoning Hearing Board that there is a legally binding commitment between such entities to coordinate the access and development of the tract as shown in the approved preliminary plan.

D. Contiguous. All land area within a tract shall be contiguous, although the land may be separated by alleys, streets, or waterways.

E. Municipal Boundaries. Only areas within the Township shall be considered within a tract for purpose of meeting the minimum tract area.

F. Measurement. The land area with a tract shall be calculated by totaling the "lot area" (as defined herein) of each lot within the tract and also any land proposed to be dedicated as common open space.

Tractor: A truck with more than 2 axles that is primarily intended to be used to pull a trailer, as defined below.

Trailer: *See* Mobile Home.

Transportation Terminals: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

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

Transfer of Development Rights (TDR): The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Truck Terminal: A facility designed primarily to handle freight with limited warehousing of freight for no more than thirty (30) days, with secondary allowances for service, repair and storage of vehicles involved in the normal operation.

Township: The Township of Middle Paxton.

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

Unit: A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to and easement or right of way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

Upzoning: Changing the zoning designation of an area to allow so-called less restrictive uses, e.g., from residential to commercial, or allowing higher densities.

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

Use, Accessory: A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with this principal use, building or structure.

Use, Principal: The main or primary use of property, buildings, or structures. Only one (1) use permitted by right or by special exception shall be permitted as a principal use on an individual lot.

Variance: The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for an adjustment to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.

Vehicle, Dismantled or Non-operable: A vehicle which does not display the current Pennsylvania State Inspection Certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

Vested Right: A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for.

Veterinarian: A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of the Zoning Ordinance of Middle Paxton Township, the term "veterinarian" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters, and the like). *See* also Animal Hospital.

View Protection Regulations: Regulations which protect the view of or from particular points, usually via height limitations.

Viewshed: That portion of the landscape which can be readily viewed by the observer from one (1) or more vantage points. The extent of area that can be viewed is commonly delineated by land form, vegetation and/or distance.

Wading Pool: A portable or permanent structure designed to hold water for wading purposes not to exceed twelve (12) inches in depth and may be located above or recessed below ground level. *See* Swimming, Bathing or Other Pool, Private.

Water Facility: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield, and use of groundwater and subsurface resources within the municipality.

Watercourse: A stream of water, river, brook, creek, or channel or ditch for water whether natural or man-made.

Wetlands: 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 in soil conditions, including swamps, marshes, bogs, and similar areas.

Wharf: A construction designed and placed at waters edge along which board and other water craft can be brought to be docked, landed, moored, loaded or unloaded of its contents.

Wholesaling, Storage and Warehousing: A building or group of buildings primarily used for the storage, transfer and distribution of products and materials.

Window: An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space.

Window, Bay: A window whose casement may extend beyond the face of the building by 24" or greater.

Yard: A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure. (Figure 1)

Yard, Buffer: A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure, but in addition to and outside of the required front yard, rear yard, and side yards.

Yard, Exterior: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

Yard, Front: A yard on the same lot with a main building extending the full width of the lot, exclusive of any buffer yards, and situated between the street line or rear line of a buffer yard and the required front building line projected to the side lines of the lot. (Figure 1)

Yard, Interior: An open, unoccupied space between the buildings of a dwelling or its accessory buildings; not a front, side or rear yard. [need to locate a diagram] (Figure 1)

Yard, Rear: A yard on the same lot with a main building extending the full width of the lot, exclusive of any buffer yards, and situated between the rear line of the lot or buffer yard or if none from the conjunction of the two lot side lines and the required rear building lines projected to the side lines of the lot. On a corner lot, the rear yard should be the yard area opposite the street of address. (Figure 1)

Yard, Side: A yard on the same lot with a main building situated between the required setback line and the side line of the lot or rear yard. Any lot line not a rear line or a front line shall be deemed a side line. On a corner lot, there should only be one side yard. (Figure 1)

Zoning: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

Zoning and Compliance Certificate: That certificate required at the time of sale of any real property situated within the Township of Middle Paxton to be issued by the appropriate municipal official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances and identifying the zoning classification and the legality of the existing use of the property to be sold.

Zoning District: A section of a city or county designated in the zoning ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable.

Zoning Map: The map delineating the boundaries of districts which, along with the zoning text, comprises the zoning ordinance.

Zoning Officer: The administrative officer designated to administer the zoning ordinance and issue zoning permits.

Zoning Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

Conflicts

Whenever there is a difference in definitions between this Ordinance and definitions which are included as part of other Ordinances adopted by the Township, the definitions included as part of the other Ordinance shall apply.

Amendment

The Supervisors may, from time to time, revise, modify, and amend these regulations by appropriate action taken at a scheduled public meeting.

Validity

Should any section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof.

Effective Date

This Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of Middle Paxton Township, Dauphin County, Pennsylvania.

Enacted and Ordained this 6th day of November, 2000.

BOARD OF SUPERVISORS,
MIDDLE PAXTON TOWNSHIP,
PENNSYLVANIA

By_____
Chairman

ATTEST:

_____
Secretary

SKETCH PLAN DEPICTING SELECTED ZONING TERMS

FIGURE 1

Figures

STOPPING SIGHT DISTANCE

FIGURE 2

FIGURE 3B

FIGURE 3A

RESIDENTIAL COLLECTOR
RESIDENTIAL ACCESS STREETS
ARTERIAL
RESIDENTIAL SUBCOLLECTOR
CUL-DE-SAC
EXPRESSWAY

FIGURE 4

TYPES OF DWELLING UNITS

For Illustrative Purposes Only

Single Family Detached

Single Family Semi-Detached

Two Family Detached

Townhouse

Garden Apartments

FIGURE 5

100-YEAR FLOOD
ELEVATION
FLOOD
FRINGE
STREAM
FLOOD
FRINGE
FLOODWAY
FLOOD PLAIN

FIGURE 6

FLOOR AREA RATIO

IF FLOOR AREA "A" IS AT LEAST 40% OF FLOOR AREA "B" - THEN "A" IS A HALF STORY.

FIGURE 7

CORNER LOT
INTERIOR LOT
CORNER LOT
INTERIOR LOT
FLAG LOT
THROUGH LOT
INTERIOR LOT
CORNER LOT
INTERIOR LOT
CORNER LOT
FRONTAGE

FIGURE 8

SINGLE LOADED STREETS

FIGURE 9

IF FLOOR AREA "A" IS AT LEAST 40% OF FLOOR AREA "B" - THEN "A" IS A HALF STORY.

FIGURE 10

FIGURE 11
"SQUARING OFF"

ADDITION DOES NOT EXTEND BEYOND EXISTING BLDG LINES & DOES NOT COMPLY WITH SIDE & OR REAR SETBACKS.

FIGURE 12
"APPENDAGE"

SIDE SETBACK FOR ADDITION FOLLOWS EXISTING BLDG LINE & DOES NOT COMPLY WITH REQUIRED SIDE SETBACK. HOWEVER, SETBACK FOR ADDITION IN REAR MUST COMPLY