Middle Paxton

Zoning Ordinance

Working Draft Only

2026

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Appendix A 1

ARTICLE 1.
Short Title, Purpose, Interpretations, and Definitions

Section 100 – Short Title

This Ordinance shall be known and may be cited as the "Middle Paxton Township 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, and general welfare; coordinated and practical community development; proper density of population; civil defense, disaster preparedness, airports, and national defense facilities; the provision of adequate light and air; vehicle parking and loading space; transportation; water; sewage; schools; public grounds and other public requirements; and fire and police 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, 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 cause of action against such municipality, 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 2016 Middle Paxton Township Comprehensive Plan prepared in conjunction with Dauphin Borough.

Section 105 – Definitions

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.

Abut or Abutting: A building(s) that physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

Access Drive: A way or means of approach to provide vehicular or pedestrian physical entrance to a lot.

Accessory Apartment: Independent living area consisting of bathroom, kitchen and living space which is a part of the principal unit.

Accessory Day Care: A premises accessory to a professional office, retail establishment, place of assembly, or school in which child care, defined as the supervised care of children under age sixteen (16) outside of the children's own home for periods of less than eighteen (18) hours during the average day, is provided at any one time during the normal operating hours of the principal use for six (6) or fewer children unrelated to the operator.

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.

Acre: A measure of land area containing forty-three thousand, five hundred and sixty (43,560) square feet.

Activity: The use of land for a specific purpose.

Adaptive Reuse: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

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 (20) percent of the occupied area of the facility is used for one (1) or more of the following purposes or for any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas.":

> **Adult Book Store** – An 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.
>
> **Adult Massage Parlor or Adult Massage Studio** – Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
>
> **Adult Movie Theater** – A use involving the presentation to three (3) or more persons at one (1) time in a room of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.
>
> **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.

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 Board of Supervisors land development plans for the purpose of obtaining approval thereof.

Agribusiness: An enterprise that is actively engaged in the commercial production and preparation for

market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

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

Agriculture, Intensive (Intensive Agricultural Use): Intensive agricultural uses include but are not limited to: (a) slaughter areas; (b) areas for processing of manure; (c) concentrated animal feeding operations, as defined herein:

> Confined livestock operations or concentrated animal feeding operations (CAFO) Federal regulations define a CAFO as an animal feeding operation that: (a) confines more than 1,000 animal units (AU); or (b) confines between 301 to 1,000 AU and discharges pollutants into waters of the United States through a man-made ditch, flushing system or similar man-made device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle; 700 mature dairy cattle; 2,500 swine each weighing more than 25 kilograms (55 pounds); 30,000 laying hens or broilers (if a facility uses a liquid manure system); and 100,000 laying hens or broilers (if a facility uses continuous overflow watering).

Agricultural Security District: An area established by a resolution of the Board of Supervisors in accordance with the Agricultural Area Security Law (3 P.S. §§ 901-915).

Agritainment: A farm-based temporary or seasonal activity, enterprise or business that combines the elements and characteristics of agriculture and entertainment, and may include incidental preparation and sale of beverages, food, and souvenirs. Examples of agricultural entertainment include, but are not limited to, one or a combination of the following: corn mazes; hay rides; petting farms; on-farm tours with demonstrations of farming practices, techniques, and methods; horseback riding; haunted barns; weddings; and other fee-based similar activities.

Airport: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A public or private right-of-way other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alluvial Soil: Soil formed from the deposit of sediment in flowing water.

Alterations: Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one (1) location to another.

Amendment: A change in use in a district which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the 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 different from plants in the 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 with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, provided that the keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry.

Animal and Animal Structure, Non-Commercial: The practice of animal husbandry in combination with the accessory agricultural uses/buildings that support that practice.

Animal Waste (Manure) 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 a communications 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 communications 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 a communications antenna or antennas.

Apartment, Conversion: A multi-family dwelling constructed by converting an existing dwelling into apartments for two (2) or more families without substantially altering the exterior of the building.

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.

Architectural Control: Regulations governing the appearance or architectural style of buildings or structures.

Area, Buffer: 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.

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.

Auto, Boat and/or Mobile/Manufactured Home Sales: An area, other than a street, used for the outdoor or indoor display, sale or rental of two (2) or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

Auto Body Shop: Any structure or any building or part thereof that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

Automatic Car Wash: A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

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 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 Repair Garage: An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "automobile service station". An automobile repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding or transmissions. Any use permitted as part of an "automobile service station" is also permitted as part of an "automobile repair garage".

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an

accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

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 of their parts.

Automobile Wrecking Yard: An establishment that cuts up, compresses, or otherwise disposes of motor vehicles. (See Salvage 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 for computing maximum permissible average gross density. If the developer 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) percent of the dwelling units in the planned residential development, then, at the option of the developer, the land may be used for residential purposes 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 an annual basis and established by the Board of Supervisors.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Backup Generator: Natural Gas, diesel, hydrogen fuel cells, UPC, Power Storage System, or other non-coal equipment used to generate electricity during a power outage or similar emergency. Backup generators are only to be used during periods of outages, natural disasters, or similar "emergency events" for power generation and for regular reliability testing and exercising

Barrier Curb: A steep-faced curb intended to prevent encroachments. See **Curb**.

Basement: A story partly underground but having at least one-half (1/2) 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.

Battery Energy Storage Systems (BESS): One or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Bed and Breakfast Home: An owner-occupied residence where not more than five guest rooms are

rented to not more than 10 overnight guests on a daily basis for periods not exceeding one week.

Bed and Breakfast Inn: An owner-occupied single-family detached dwelling in which a minimum of two (2) and a maximum of ten (10) rooms, all without cooking facilities, are rented to guests on a daily basis in which meals may be served to the guests by the proprietor of the facility.

Beekeeping: The accessory keeping of one (1) or more colony or nuclei of bees on a lot.

Berm: A mound of soil, either natural or manmade, used to obstruct views.

Beverage Production Use: An establishment that produces alcoholic beverages for on- or off-site sale and distribution, which holds required permits issued by the Pennsylvania Liquor Control Board (PLCB). The term shall include the following uses:

> **Brewery** – A business establishment where beer and/or malt liquor are produced.
>
> **Brewery, Large** – A brewery with annual production exceeding fifteen thousand (15,000) barrels (four hundred and sixty-five thousand (465,000) gallons) of beer or malt liquor.
>
> **Brewery, Micro** – A brewery with annual production not exceeding fifteen thousand (15,000) barrels (four hundred and sixty-five thousand (465,000) gallons) of beer or malt liquor and with seventy-five (75) percent or more of its annual production sold off-site. Microbreweries may sell directly to the consumer through carry-outs and/or an on-site taproom. Sale of food may occur on the premises, provided that no more than twenty-five (25) percent of the brewery's total sales are of food.
>
> **Brewpub** – An eating and drinking establishment serving prepared food and associated with a brewery that sells twenty-five (25) percent or more of its annual production of beer and/or malt liquor on-site. The beer and/or malt liquor is often produced on the premises and dispensed directly from the brewery's storage tanks.
>
> **Distillery** – A business establishment where distilled and/or blended spirits are produced.
>
> **Distillery, Craft** – A distillery with annual production not exceeding one hundred thousand (100,000) proof gallons of spiritous liquor. Craft distilleries may sell directly to the consumer through carry-outs and/or an on-site tasting room.
>
> **Winery** – A business establishment where wine, mead, or cider is produced.
>
> **Winery, Craft** – A winery with annual production not exceeding two hundred thousand (200,000) gallons of wine, mead, or cider. Craft wineries may sell directly to the consumer through carry-out and/or an on-site tasting room.

Bikeway: A pathway, often paved and separated from streets and sidewalks, designed to be used by bikers.

Block: A tract of land bounded on one side by a street and on the other sides (normally three (3)) 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: A residential building providing lodging for paying guests where lodgers rent one or more rooms on a nightly basis, and sometimes for extended periods, where food may or may not be provided.

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 Frontage: The required linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

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.

Bus or 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: An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal

services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services; food catering; locksmithing; carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpet installation; heating and cooling; plumbing; taxidermy; and other similar business activities.

Caliper: The diameter of a tree trunk measured in inches, six (6) inches above the 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: The use of land and structures by campers for seasonal, recreational, and temporary living purposes in cabins, tents, or outdoor recreational vehicles.

Camp Site: A plot of ground within a campground intended for occupation by recreational vehicle or tent.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

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 (1/2) 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: Land used or dedicated to the burial of the dead including mausoleums, crematories, and maintenance facilities.

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 premises in which childcare, defined as the supervised care of children under age

sixteen (16) outside of the children's own home for periods of less than eighteen (18) hours during the average day, is provided at any one (1) time for seven (7) or more children unrelated to the operator. A childcare center must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for child day care centers in Title 55, Part V, Subpart D, Article I, Chapter 3270 of the Pennsylvania Code, as amended.

Child Care Home: A single-family detached dwelling in which childcare, defined as the supervised care of children under age sixteen (16) outside of the children's own home for periods of less than eighteen (18) hours during the average day, is provided to four (4), five (5), or six (6) children unrelated to the operator. A childcare home must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for family child day care homes in Title 55, Part V, Subpart D, Article I, Chapter 3290 of the Pennsylvania Code, 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 preservatives, 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.

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. See **Figure 2**.

Club, Lodge, or Fraternal Organization: A facility routinely 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, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public, and which is not primarily operated as a for-profit business. This use shall not include a skeet, rifle, or archery range.

Commercial Vehicle: A motor vehicle with a gross vehicle weight (GVW) exceeding eight thousand, five hundred (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).

Commercial Wind Energy Facility: An area of land on which the principal use is the capture of wind energy and its conversion to electrical energy or thermal power for off-site use. Commercial wind energy facilities consist of one (1) or more free-standing ground-mounted wind turbines or other related equipment.

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:

A. The land on which a building is located and portions of the building which are not included in a unit;

B. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, and entrances and exits of a building;

C. The yards, parking area and driveways;

D. Portions of land and building used exclusively for the management, operation or maintenance of the common elements;

E. Installations of all central services and utilities;

F. All other elements of a building necessary or convenient to its existence, management, operation, maintenance, and safety or normally in common use; and

G. 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 structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennas such as panels, microwave dishes, satellite dishes and omnidirectional antennas such as whip antennas. Communications Antennas shall not include tower-based wireless communications facilities as defined below. Not included are antennas and supportive structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios.

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 two hundred and fifty (250) square feet.

Communications Tower: An antenna support structure designed and constructed to support one (1) or more communications antennas used by wireless communications facilities and includes all appurtenant devices attached to it.

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 Pennsylvania Department of Environmental Protection (PADEP).

Community-Supported Agriculture (CSA) Delivery Station: A delivery point for agricultural products sold through a system that connects agricultural producers and consumers by allowing consumers to subscribe to the harvest of a certain farm or group of farms for a fee.

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 Utility Commission (PUC), or the Township, whichever is more stringent.

Composting: The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

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.

Concentrated Animal Feeding Operation (CAFO): A CAFO is an animal feeding operation (AFO) with more than 1000 animal units (an animal unit is defined as an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs., 125 thousand broiler chickens, or 82 thousand laying hens or pullets) confined on site for more than 45 days during the year. Any size AFO that discharges manure or wastewater into a natural or man-made ditch, stream or other waterway is defined as a CAFO, regardless of size.

Concept Plan: A preliminary presentation and attendance 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.

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 of a building or structure, including the placement of mobile homes.

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.

Convenience Store with Gas Dispensing: A retail store that primarily offers food and related items, but

which may also dispense fuel.

Convenience Store without Gas Dispensing: A retail store that primarily offers food and related items but does not dispense fuel.

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 (2) 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.

Crematory: A facility containing properly installed, certified equipment intended for reducing deceased humans or animals to ashes by burning (cremation).

Crosswalk: A right-of-way, municipally or privately owned, at least twelve (12) feet 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 (1) outlet and having the other end for the reversal of traffic movement.

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 a 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.

Data Center: A facility used for housing or intended to be used for housing, operation, and or co-location of computer systems and associated components, including servers, storage devices, networking

equipment, and supporting infrastructure such as power supply, cooling systems, and security systems, for storage, management, processing, and/or transmission of digital information necessary for the operation of one or more businesses, commercial, or governmental entities. Includes but is not limited to co-location facilities, cloud computing centers, enterprise data centers, crypto mining, high-intensity compute-only centers, and similar uses. A Data Center may include limited office space associated with facility operations but does not include general business offices or call centers.

Data Center Accessory Uses: Ancillary uses or structures secondary and incidental to a Data Center use, including, but not limited to, administrative, logistical, fiber optic, storage and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. Accessory uses shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Equipment (DCE): Equipment related to utilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, and sound control systems. Fire suppression systems, and environmental controls (emission controls, noise pollution controls, environmental impact monitoring), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center.

Dawn: The first appearance of daylight in the morning.

Day: A period of time from midnight to midnight.

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 of Environmental Protection: Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency (DEP).

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-surface 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 of 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 the 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 regulations, or other governmental regulations 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.

Distribution (Flex Center): See **Warehouse**.

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, or 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 lanes.

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.

Domiciliary Care Unit: An existing building or structure designed for a dwelling unit for one (1) family which provides twenty-four (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 (2) 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-Through Facility: The accessory use of an access drive and structure(s) in which goods or services are dispensed directly to a patron in a motor vehicle, and which eliminates the necessity for the patron to exit the motor vehicle.

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.

Drug Store: A retail store where medicines, prescriptions, and miscellaneous articles such as food, cosmetics, and film are sold.

Dry Lines: See **Capped System**.

Dwelling: A building or portion of a building used as a non-transient living quarters and having individual living, kitchen, and bath facilities in each dwelling unit. See **Figure 5**.

Dwelling, Manufactured Housing – Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of 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, Multi-Family – A dwelling containing three (3) or more attached dwelling units on a single lot, each with its own independent access but not necessarily directly to the outside. Units may share outside access and/or corridors, lobbies, and other common facilities, and may be either leased or sold for condominium ownership.

Dwelling, Single-Family Attached (Townhouse) – One (1) dwelling unit that is attached to two (2) or more dwelling units, with each dwelling unit on its own separate lot and completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. The units may be attached side-by-side or back-to-back, with up to eight (8) total dwelling units. Side yards shall be adjacent to each end unit. This use is commonly known as a "townhouse" or "rowhouse."

Dwelling, Single-Family Attached with Integral Garage – A townhouse (see Townhouse) with a garage that is incorporated within and is a constituent part of the dwelling unit and where said garage shall be used as a garage (see Automobile Garage Minor) and shall not be converted into living quarters of any kind or used for any purpose other than the storing of vehicles.

Dwelling, Single-Family Detached – One (1) dwelling unit in one (1) building accommodating only one (1) family and having open areas on all sides.

Dwelling, Single-Family Semi-Detached (Twin) – One (1) dwelling unit that is attached by an unpierced vertical fire-resistant wall to one (1) adjacent dwelling unit, both of which accommodate one (1) family each and are on their own separate lots, with one (1) side yard being adjacent to each dwelling unit. Each dwelling unit shall have its own outside access. This use is commonly known as a "twin."

Dwelling, Tiny Homes – A dwelling unit placed on a property for occupancy as either a principal or accessory dwelling unit with a habitable floor area between 150 square feet and 400 square feet constructed with a foundation or on wheels. A tiny home shall be exempt from the minimum habitable floor area requirements of this Ordinance, and tiny homes shall comply with all applicable mobile home requirements.

Dwelling, Two-Family (Duplex) – Two (2) dwelling units in a single building on a single lot, with each dwelling unit accommodating one (1) family. This use is commonly known as a "duplex."

Dwelling Unit: One (1) 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.

Eating and Drinking Establishment: A place open to the general public for the sale and consumption on the premises of food and/or beverages, which includes restaurants, bars, and tavern establishments:

> **Eating and Drinking Establishment, Sit-Down** – An eating and drinking establishment where the principal business is the sale of food and beverages with waited table service or where less than one-third (1/3) of sales are to patrons for off-premise consumption (carryout or delivery). Menus for such restaurants are often provided individually to on-premise patrons at their tables, or food may be selected from a buffet table or cafeteria line.
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> **Eating and Drinking Establishment, Take-Out** – An eating and drinking establishment where the principal business is the rapid preparation, turnover, and sale of food and/or beverages without waited table service and where over one-third (1/3) of sales are to patrons for off-premise consumption (carryout or delivery). Menus for quick-service restaurants are posted, and food and beverages served at such restaurants are usually ordered at a counter and contained in disposable containers or packaging, with on-premise patrons typically expected to clean up after themselves.

ECHO Housing (Elder Cottage Housing Opportunities): Also known as "granny flat" or elder cottage housing. It permits a family member, related by blood, marriage or adoption, to live independently but close to relatives on the same lot. The housing consist of one bedroom, a bathroom, living room and kitchen and is connected to the utility system of the main dwelling unit.

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: (a) the development of any tract of land including the incidental design or 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; (b) 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; (c) geodetic or cadastral survey, underground survey and hydrographic survey; (d) sedimentation and erosion control surveys; (e) the determination of the quantities of materials; (f) tests for water percolation in soils; and (g) 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 (3rd) 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's racial minorities, low-income 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 that 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: One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. Any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit. A roomer, boarder or lodger is not considered a family member.

Family Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus 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 Human Services and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

Family Day Care Home: A residence offering babysitting services and childcare 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 Human Services. A family day care home is a 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 or

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 kennels.

Farm Café: A restaurant that prepares and serves food grown on-site at a farm or is primarily grown within Region 6 of the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm café is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and to empower farmers to undertake entrepreneurial endeavors that augment, support, and highlight local agriculture.

Farm Camp: The hosting of day and overnight events for students and or guests on a farm for farm education.

Farm Market: The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility.

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 (1) 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 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."

Festoon Lighting: A type of illumination comprised of either: (a) a group of light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

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 on the original ground and designated point of higher elevation of the final grade. The material used to make fill.

Final Approval: The official action of the Board of Supervisors 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.

Financial Institution: An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

Finding: A determination or conclusion based on the evidence presented and prepared by a hearing 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.

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 (1/2) of the floor area of every habitable room shall have a ceiling height of not less than six (6) feet and the 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 ten thousand (10,000) square feet is limited to a maximum of four thousand (4,000) square feet. When number of stories are optional, the building area may be four thousand (4,000) square feet for one (1) story; two thousand (2,000) square feet for two (2) stories, and so forth.

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: A retail business selling flowers and ornamental plants.

Food Truck: A licensed, self-contained, accessory motorized vehicle or mobile food unit (a trailer which does not travel under its own power) that is temporarily permitted to park in a designated area of an established principal use for the service of food and/or beverages, in a location approved by the owner of the lot.

Foot-candle (aka Foot-lambert): A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) footcandle is equal to one (1) lumen per square foot.

Frontage: The horizontal or curvilinear distance along the street line upon which a lot abuts.

Funeral Home: A business that arranges services in accordance with the wishes of surviving friends and family members and the dead are prepared for burial or cremation. Said use shall not include or be classified as a place of assembly nor an event center.

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: An enclosed or covered space for the storage of one (1) or more motor vehicles

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

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 exchanger 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 sources 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.

Golf Course: A recreational facility that has a course, with a minimum nine regulation-size holes, for playing golf as its principal use and that may have a clubhouse, locker rooms, swimming pool, pro shop, facilities for racquet sports, maintenance facilities, and similar facilities as accessory uses.

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 one hundred (100) 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.

Ground-Mounted System: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

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 minimum 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 Human Services.

Group Day Care Home: A single-family detached dwelling in which child care, defined as the supervised care of children under age sixteen (16) outside of the children's own home for periods of less than eighteen (18) hours during the average day, is provided to more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. A group day care home must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for group child day care homes in Title 55, Part V, Subpart D, Article I, Chapter 3280 of the Pennsylvania Code, as amended.

Group Home: A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this chapter. This definition does not include persons occupying a hotel, dormitory, lodge, youth ranch & treatment center, boardinghouse, or institution. A group home involves persons functioning as a common household unit, 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 meets the definition of "handicap", as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one (1) 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 addiction 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.)

Gutter: That portion of a right-of-way carrying surface drainage.

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 sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic, and their common salts, leads, 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, disposed 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.

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.

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 District: A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Historic Site: A structure or place of historical significance. May be designated as such by local, state, or federal government.

Home-Based Business, No-Impact: An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the residential use of the dwelling unit, and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of that normally associated with residential use. The business must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

E. No on-site parking of commercially identified vehicles shall be permitted.

F. 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.

G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

I. The business may not involve any illegal activity.

Home Occupation: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit and that which is otherwise not classified as a no-impact home-based business.

Homeowners' Association (HOA): A nonprofit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property. This term is synonymous with property-owners' association and condominium association.

Hospital: A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care, including establishments, such as a sanatorium, sanitarium, or preventorium.

Hotel or Motel: A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters, for use by such persons for no longer than thirty (30) days in a calendar year. A "hotel" or "motel" may include an eating and drinking establishment, swimming pool, meeting facilities, and/or ballrooms, provided that such uses are clearly accessory to the principal use of overnight accommodations.

Hydrogeologic Study: An inventory of the source, quantity, yield and use of ground water and surface water resources within the Township.

Hydrologic Response: The properties, distribution, and circulation of water.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

> **External Illumination** – Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.
>
> **Halo Illumination** – A sign using a three (3)-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)
>
> **Internal Illumination** – A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

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.

Improved Public Street: Any street for which Township, County, or Commonwealth has maintenance responsibility, and which is paved with an approved hardtop surface.

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, streetlights 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.

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: A facility where the principal enterprise or activity involves the provision of indoor recreational, amusement, and leisure activities, such as, but not limited to: theaters, fitness training, athletic courts, ice rinks, roller skating rinks, indoor playing fields, indoor swimming pools, bowling alleys, arcade games, indoor mazes, indoor play structures and ball pits, escape rooms, indoor batting cages, and indoor golf.

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 buildings designed and arranged to ensure 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 any vehicle in a major or severe state of disrepair.

Institutional Facility: A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children; homeless, aged or infirm 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.

Kennel: Any facility in which more than four (4) dogs, cats, other domesticated animals typically kept as pets, or any combination thereof, of which animals are six (6) months old or older, are kept, bred, trained, or boarded, whether for profit or not. This term does not include an establishment engaged only in dog grooming or dog training.

Land Development: Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any other purpose involving,

   1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

   2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

B. A subdivision of land.

C. Land development shall not include:

   1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or

   2. 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.

Large Solar Energy Production Facility: An area of land on which the principal use is the capture of solar energy and its conversion to electrical energy or thermal power for off-site use. Principal solar

energy systems consist of one (1) or more free-standing ground- or roof-mounted solar modules or other solar related equipment and may include accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures.

Laundromat: A business premises equipped with individual clothes washing machines for the use of and self-service by retail customers.

Laundry and Dry-Cleaning Establishment: A facility for the cleaning of clothing and fabric using chemical solvents rather than water or where such clothing and fabric is washed utilizing commercial equipment designed to accommodate large quantities of clothes.

Laundry and Dry-Cleaning (Personal): A retail outlet for the receiving, pickup, tailoring, and pressing of garments with the dry-cleaning and laundering operations done elsewhere.

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:

> **Diffused** – That form of lighting wherein the light passes from the source through a translucent cover or shade.
>
> **Direct or Flood** – That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
>
> **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.

Light Trespass: Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Line, Street: See **Street Line**.

Livestock: Those classes of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals, or paddock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, sheep, goats, chickens, and fowl.

Livestock Enclosure: A fenced-in area that presents an adequate blockade around a field, yard, or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from outside.

Livestock Structure: Any structure related to the practice of Non-Commercial Keeping of Livestock, including but not limited to animal housing facilities, barns, stables, sheds, coops, cages, and similar structures, not including Livestock Enclosures.

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.

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. See **Figure 6**.

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 and 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 and thirty-five (135) degrees.

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, 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.

Lot, Interior – A lot other than a corner lot.

Lot Lines – The boundary lines of a lot as defined herein.

Lot, Minimum 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, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Lot of Record – A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

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.

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 or 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.

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.

Manufacturing: The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Manufactured Home: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Manufactured Home Lot: A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. (See also "Mobile Home Lot")

Marginal Access Street: Minor streets, parallel and adjacent to major traffic streets which provide access to abutting properties and control intersections with major traffic streets.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

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 Laboratories or Clinics: A use, excluding a professional office as defined herein, that involves the diagnostic examination and treatment of outpatients by state-licensed physicians, dentists, or other health care professionals, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood, or other human materials for medical or dental purposes. Such use may include a building or buildings with offices for one (1) or more health care professionals for the examination or treatment of persons as outpatients and laboratories incidental thereto.

Medical Marijuana: Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

Medical Marijuana Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

Medical Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

Medical Marijuana Organization or Facility: A dispensary or a grower/processor of marijuana for medical purposes.

Medical Marijuana Transport Vehicle Service: Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processor and/or dispensaries.

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 topsoil 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 Warehouse: A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

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

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more 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 a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

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

Monument: An object set in the earth to mark a boundary.

Motor Freight Depot: A facility designed primarily to handle and distribute 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.

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.

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 Waste Reduction Act: The Act of July 28, 1988, P.L. 556, No. 101, 53 P.S. 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.

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 topsoil 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.

Non-Commercial Keeping of Livestock: An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby/personal use of livestock and products derived from livestock by the occupant, owner, or leaser of the lot on which such use is located.

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/Skilled Care Facility: A facility that provides either skilled or intermediate nursing care or both levels of care for three (3) or more patients, who are unrelated to the licensee, for a period exceeding twenty-four (24) hours. A nursing home must be licensed by the Pennsylvania Department of Health and shall follow all applicable provisions for long-term care nursing facilities in Title 28, Part IV, Subpart C of the Pennsylvania Code, as amended.

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.

Office Center: A group of offices, excluding medical clinics as defined herein, 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.

Office, Contractor: An office or shop with an accessory storage yard, of a building, electrical, or mechanical contractor.

Office, Professional: A use that involves administrative, clerical, financial, governmental, or professional operations, and operations of a similar character. This use shall include neither retail uses, industrial uses, nor medical laboratories or clinics (but may include medical offices without the handling of clinical specimens). Examples of professions carried on in professional offices include, but are not limited to: architects, engineers, accountants, attorneys, real estate agents, insurance agents, business consultants, financial analysts, physicians, dentists, psychotherapists, television and radio broadcasters, computer programmers, graphic designers, call center representatives, and notaries. This term may include buildings or shared workspaces involving the practice of multiple professions by multiple practitioners.

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. See **Figure 3**.

Outdoor Hydronic Heater: A fuel-burning device that is designed to burn, or is capable of burning, clean wood or other approved solid fuels; is intended specifically for outdoor installation or installation in structures not normally used for habitation by humans or domestic animals, including garages or sheds; is designed to heat building space and/or water through distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture; and has a rated thermal output of less than three hundred and fifty thousand (350,000) British thermal units (BTU) per hour.

Outdoor Recreation Area, Private or Semi-Public: The use of open land for leisure activities, such as a swimming pool, sports fields, batting cages, tennis courts, or similar establishments that are not publicly owned. This use shall not include golf courses or skeet, rifle, or archery ranges, as defined herein.

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 (2).

Owner: Any person who, alone or jointly or severally with other persons, has legal title to any premises. This does not include a lessee, sublessee 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 or automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

Parking Space: The area required for parking one (1) 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 two hundred and seventy (270) square feet to include space for parking and access ways.

Party: A person or group taking one (1) 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.

Person: Any individual or group of individuals, partnership, association, or corporation.

Personal Services: An establishment that provides a service oriented to personal needs of the general public and which does not involve retail or wholesale sales or services to businesses. Personal services include, but are not limited to, barber and beauty shops, health spas, tanning salons, yoga studios or small fitness studios, optometrists' offices and accessory eyeglass shops, photography studios, travel agencies, retail tax preparation services, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any adult uses.

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 of 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.

Place of Assembly: A facility that is designed for the assembly or meeting of persons for civic, political, educational, religious, or social purposes, not including a club, lodge, or fraternal organization as defined herein, and where recreation, amusement, or dining may occur as accessory activities.

Plan: The map or plan of a subdivision or land development, whether sketch, preliminary or final.

Plan, Final – A complete and exact land development plan, prepared for official recording, to

define property rights and proposed streets and other improvements.

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 the preparation of a final plan.

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.

Planned (Residential) Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district, from time to time, under the provisions of this municipal ordinance.

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.

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 Board of Supervisors 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 (50) feet and that 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. See **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 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 public comment, prior to taking action in accordance with this Ordinance.

Public Notice: Notice published once a week for two (2) 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 Nuisance: An act, condition, or activity that unreasonably interferes with the rights, health, safety, comfort, or convenience of the general public or a community, rather than just a single individual.

Public or Private Park/Recreation Area: A facility in which organized forms of play and amusement occur outdoors. May include, but is not limited to, fishing, horseback riding, hiking, biking, skiing, sledding, ice skating, walking, running, swimming pools. Accessory buildings such as pool houses, clubhouses, restroom facilities are permitted. Does not include indoor recreation such as, but not limited to, indoor swimming pools, bowling alleys, racquetball court, indoor ice rinks, nor does it include skeet, rifle, and archery ranges. Organized sanctioned or competitive snowmobiling, ATV or motorcycle use is not permitted.

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 Commonwealth 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 Use or Building: Municipal, county, state, or federal government buildings or facilities designed and intended to be occupied by the government for public purposes. The term shall include public parks, government offices, police stations, fire stations, ambulance stations, post offices, and public works garages, but shall not include sewage treatment facilities, solid waste facilities, or correctional facilities.

Public Utility Building or Structure: Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary, and appropriate to the character of the area in which they are to be located, including electric, telephone, gas, and water. The term shall not include a central sewage treatment plant, a solid waste disposal area or facility, wireless communications towers, a power generating station, septic or sludge disposal, long-term storage of trucks or equipment, or bulk storage of materials. Examples of public utility structures include underground or overhead transmission systems, poles, wires, pipes, cables, hydrants, or other similar equipment.

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 Commonwealth of Pennsylvania, Department of Environmental Protection.

Quarry, Sand Pit, Gravel Pit, Borrow Pit, Topsoil Stripping: See **Open Pit Mining**.

Radio or Television Station: Any premises or station authorized by the appropriate regulating agency used for the purpose of providing radio or television broadcasting services for general reception.

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** 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 (6) 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 to 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 Camp: 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 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 wastepaper, 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.

Re-subdivision: Any subdivision or transfer or 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: A use in which merchandise is sold or rented to the general public, but not including the following: automobile, boat, and/or trailer sales; adult regulated facilities; manufacturing; eating and drinking establishments; convenience stores with gas dispensing; or vehicle repair and service shops.

Retaining Wall: A structure erected between lands of different elevations 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 that 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 (3) 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: A non-household 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. See **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, lane or however designated.

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 forests, shrubs and herbaceous species to stabilize erodible soils, improve surface and ground water quality, increase stream shading and enhance wildlife habitat.

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.

Sale of Agricultural Products: The seasonal retail of farmed crops primarily grown on the premises, including but not limited to, fresh produce, pumpkins, and Christmas trees.

Salvage Yard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of scrap, or salvage material, and licensed as required by the Commonwealth of Pennsylvania.

Sanitary Facility, Landfill or Incinerator: Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX, and any state or federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable federal regulation, such as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 to 6992 and 40 CFR Parts 260 to 279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities or resource recovery facilities, as defined in the Pennsylvania Code.)

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, television 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 accredited facility of instruction operated by a private nonprofit or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate, and/or graduate collegiate education. The term shall not include commercial schools.

School, Public: An accredited facility of instruction operated by a public agency, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate, and/or graduate collegiate education. The term shall not include commercial schools.

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 seep or leach into the surrounding soil.

Sensitive Receptors: Any land use or structure where occupants are likely to be present for extended periods or where individuals may be more susceptible to adverse impacts from noise, lighting, visual disturbance, traffic, or other external effects. Sensitive Receptors shall include, but are not limited to:

1. Residential uses;
2. Residential districts;
3. Schools, including public, private, and charter schools, and licensed daycare centers;
4. Hospitals, nursing homes, assisted living facilities, and other licensed healthcare facilities;
5. Places of worship;
6. Community centers;
7. Campgrounds;
8. Dormitories;
9. Public parks, playgrounds, and recreational areas;
10. Any other similar use where individuals are expected to be present for extended durations

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.

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.

Steep Slope: Land with a fifteen (15) foot or greater change in elevation within one hundred (100) feet or less in horizontal distance, or in other terms fifteen (15) percent or greater on the average.

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 away 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 **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.

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, visors or other physical barriers.

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.

Short-Term Rental: A residential dwelling unit utilized as a single-family residence and rented for the purpose of overnight lodging by non-related individuals for a period of not less than one (1) day and not more than thirty (30) days, and which does not meet the definition of a bed and breakfast inn, hotel, or motel, as defined herein.

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.

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.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §1604.C for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in §1604.D.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

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

Abandoned Sign – A sign which has not identified or advertised a current business, service,

owner, product, or activity for a period of at least one hundred and eighty (180) days, in the case of off-premises signs, or at least three hundred and sixty (360) days in the case of on-premises signs.

Address Sign – A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service. (Also known as **nameplate sign**.)

Animated Sign – A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Awning Sign – Any sign painted on, or applied to, an awning.

Balloon Sign – A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner – Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two (2) or more edges or at all four (4) corners. Banners are temporary in nature and do not include flags.

Beacon Lighting – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Canopy Sign – Any sign that is part of, or attached to, a canopy.

Changeable Copy Sign – A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two (2) types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

Channel Letter Sign – A sign consisting of fabricated or formed three (3)-dimensional letters, individually applied to a wall, which may accommodate a light source.

Clearance – The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two (2) objects.

Digital Display Sign – The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign – Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Flag, Sign – Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one

(1) edge or supported or anchored at only two (2) corners.

Flashing Sign – A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Freestanding Sign – A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

Gas Station Canopy Sign – Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government/Regulatory Sign – Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee, or agent thereof, in the discharge of official duties.

Ground Sign – A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as **monument sign**.)

Holiday Decorations – Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as **seasonal decorations**.)

Illuminated Sign – A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign – A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental Window Sign – Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

Inflatable Sign – A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive Sign – An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Legibility – The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Limited Duration Sign – A non-permanent sign that is displayed on private property for more than thirty (30) days, but not intended to be displayed for an indefinite period.

Luminance, Sign – An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot. (cd/ft2)

Manual Changeable Copy Sign – A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee Sign – Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Mechanical Movement Sign – A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial Sign – A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Menu Sign – A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

Message Center Sign – A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing – The spreading of one message across more than one (1) sign structure.

Multi-Tenant Sign – A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Mural (or mural sign) – A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.

Neon Sign – A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign – A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-Premises Sign – An outdoor sign whose message directs attention to a specific business, product, service, event, or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as third-party sign, billboard, or outdoor advertising.)

Official Traffic Sign – Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign – A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant Sign – A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign – A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Personal Expression Sign – An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Pole Sign – A freestanding sign that is permanently supported in a fixed location by a structure of one (1) or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Portable Sign – A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Private Drive Sign – A sign indicating a street or drive that is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign – A building-mounted, double-sided sign with the two (2) faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign.)

Public Sign – A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Reflective Sign – A sign containing any material or device that has the effect of intensifying reflected light.

Revolving Sign – A sign that revolves in a circular motion, rather than remaining stationary on its supporting structure.

Roof Sign – A building-mounted sign erected upon, against, or over the roof of a building.

Sandwich Board Sign – A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians. (Also known as A-frame sign.)

Scoreboard – A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Security Sign – An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign. (Also known as warning sign.)

Sign Area – The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §1604.C. for standards for measuring sign area.

Sign Face – The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height – The vertical dimension of a sign as measured using the standards in §1604.D.

Sign Supporting Structure – Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign – A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as a bandit sign.)

Streamers, Sign – A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Pole Banner, Sign – A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Temporary Sign – A type of non-permanent, sign that is located on private property that can be displayed for no more than thirty (30) consecutive days at one time.

Tri-Vision Boards Sign – An outdoor unit with a slatted face that allows three (3) different copy messages to revolve at intermittent intervals.

Vehicular Sign – A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Vending Machine Sign – A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign – A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as fascia sign, parallel wall sign, or band sign.)

Window Sign – Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

Single Loaded Streets: Streets having houses only on one side. See **Figure 8**.

Site Plan: An accurate 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.

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 one hundred (100) feet of horizontal distance.

Small Manure Digesters: 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 Modular Reactor (SMR): A small nuclear fission reactor designed to be manufactured off-site and installed at a location to provide energy to buildings or commercial operations. SMR designs may include pressurized water, Generation IV, thermal-neutron, fast-neutron, molten-salt, and gas-cooled reactor models. An SMR must be fully licensed and permitted by the Nuclear Regulatory Commission (NRC) and may only be considered by Special Exception or Conditional Use approval.

Small Solar Energy System: A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

Small Wind Energy System: A device accessory to a principal use that converts wind energy to mechanical or electrical energy.

Solar Array: A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.

Solar-Related Equipment: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

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/Processing 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 PA DEP to operate such facility.

Solid Waste Management Act: The act of July 7, 1980, P.L. 380, No. 97, as amended.

Special Exception: A special exception shall be the permission or approval granted by the Zoning Hearing Board in situations where provision therefore is made by the terms of the Zoning Ordinance of Middle Paxton Township.

Special Event Venue: 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 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 landowner and not for hire, remuneration, exhibition or sale.

Stable, Public: A building in which horses are kept for remuneration, hire, or sale.

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

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.

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

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.

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. See **Figure 9**.

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. See **Figure 4**.

> **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.
>
> **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.
>
> **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.
>
> **Minor Street** – A street used primarily for access to abutting properties.

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 Frontage: The side or sides of a lot abutting on a public/private street or right-of-way.

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 one-half (1/2) 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.

Structure, Nonconforming: A structure or part of a structure, the size, dimensions, and/or location of which was lawful prior to the adoption, revision, or amendment to the Zoning Ordinance but that does not comply with the applicable provisions in this Ordinance or amendment theretofore or hereafter enacted, such nonconforming structures include, but are not limited to, nonconforming buildings and nonconforming signs.

Student: An individual registered for instruction from an educational institution, whether public or private, within a given calendar year.

Student Housing: A living arrangement for no more than four students located in a dwelling having a floor area of at least 1,500 square feet not including basement, garages and accessory buildings. Students living in student housing shall mean students, typically unrelated, living independently from parents or guardians while attending an educational institution.

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 (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease partition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, 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) if 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 improvement is considered to occur when the first (1st) 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 of Historic Places or a State Inventory of Historic Places.

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

Substantially Completed: Where, in the judgement of the Township Engineer, at least ninety (90) 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 approved plan, so that the product 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 wreck, 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.

Tattoo Parlor: A business establishment where the permanent application of body art, including the insertion of pigments under the surface of human skin or the creation of an opening in the human body for the purpose of inserting jewelry or other decorations, takes place.

Theater: A building or part of a building devoted to the showing of moving pictures of theatrical productions on a commercial basis.

Through Lot: A lot which abuts a street on two (2) or more opposing or non-adjacent sides. See **Figure 8**.

Tile 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.

Township: The Township of Middle Paxton, Dauphin County, Pennsylvania, Board of Supervisors (Township Supervisors), its agents or authorized representatives.

Tract: In certain districts, the tract is the minimum amount of land required to be approved or has been approved in a preliminary subdivision or land development plan prior to subdivision into allowed lots smaller than the minimum tract size.

> **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.
>
> **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 (1) 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.
>
> **Contiguous** – All land area within a tract shall be contiguous, although the land may be separated by alleys, streets, or waterways.
>
> **Municipal Boundaries** – Only areas within the Township shall be considered within a tract for the purpose of meeting the minimum tract area.
>
> **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 two (2) axles that is primarily intended to be used to pull a trailer, as defined below.

Trailer: See **Mobile Home**.

Transformer Substation: An electric substation containing and 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.

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 an 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.

Up Zoning: 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 or the main building and located on the same lot with such principal use or main building.

Use, Nonconforming: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment thereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Use, Permissible: A use by right which is specifically authorized in a particular zoning district.

Use, Principal: The main or primary use of property, buildings, or structures. Only one (1) use permitted by right, special exception, or by conditional use, 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.

Vehicle Repair and Service Shop: A building on a lot or part thereof, that is used for the service and repair of vehicles, and which may include the retail sale of gasoline, oil or other fuel.

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 **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 landform,

vegetation and/or distance.

Warehouse/Distribution Center: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

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 soil conditions, including swamps, marshes, bogs, and similar areas.

Wharf: A construction designed and placed at water's edge along which boats and other watercraft can be brought to be docked, landed, moored, loaded, or unloaded of its contents.

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 easement may extend beyond the face of the building by twenty-four (24) inches or greater.

Wireless Communications Facility (WCF): The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

> **Non-Tower Wireless Communications Facility** – All non-tower-based wireless communications facilities including, but not limited to, data collection units, communications antenna, and related equipment. Non-tower-based WCF shall not include support structures for communications antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios.
>
> **Tower-Based Wireless Communications Facility** – Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

Wireless Support Structure: A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

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.

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.

Yard, Interior: An open, unoccupied space between the buildings of a dwelling or its accessory buildings; not a front, side, or rear yard.

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.

Yard, Side: A yard on the same lot with a main building situated between the required setback line and the sideline of the lot or rear yard. Any lot line not a rear line or a front line shall be deemed a sideline. On a corner lot, there should only be one (1) side yard. See **Figure 1**.

Youth Ranch & Treatment Center: A noninstitutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The youth ranch & treatment center (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances, and community living.

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 (3)-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.

ARTICLE 2.
Designation of Districts

Section 200 – Designation of Districts

For the purpose of this Ordinance, the Middle Paxton Township 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**

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 (20) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

C. In un-subdivided 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 by the Zoning Officer, 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 un-subdivided 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 (50) feet 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 (50) feet 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 206 – Table of Principal Use Regulations

The table shows the authorized permitted principal uses in the districts designated in Section 200.

P = Use Permitted by Right
C = Conditional Use
SE = Use by Special Exception

PRINCIPAL LAND USE	A-RR	R-1	R-2	R-3	N-R	MX	C-O	C-I
Adult Regulated Facilities								C
Agribusiness (No Animal Husbandry)	P							P
Agriculture	P	P						
Agritainment	P	P						
Airports/Heliports/Helistops	SE							SE
Animal Hospitals	P						P	
Animal Husbandry	P							
Apartments, Conversion			SE	P		P		
Automobile, Boat, and/or Trailer Sales							P	P
Banks and Financial Institutions						P	P	
Bed and Breakfast Home	SE	SE						
Bed and Breakfast Inns	SE							
Beverage Production Uses	SE	SE					SE	SE
Boarding/Rooming Houses				SE		SE		
Bus and Truck Terminals; Motor Freight Depots								P
Business Services						P	P	
Camp Sites and Campgrounds	P							
Cemeteries	P	C						
Child Care Centers						SE	SE	SE
Child Care Homes	P	P	P	P	P	P		
Clubs, Lodges, and Fraternal Organizations	P					P	P	P
Commercial Wind Energy Facilities	C							
Communications Towers and Antennas – Tower-Based WCF	SE							
Communications Towers and Antennas – Non-Tower WCF	SE	SE	SE	SE	SE	SE	SE	SE
Concentrated Animal Feeding Operations	SE							
Convenience Stores with Gas Dispensing							SE	P
Convenienc3e Stores without Gas Dispensing						P	P	P
*Crematories								P
Dairies								P
Data Center								C
Domiciliary Care Units	SE	SE				SE		

PRINCIPAL LAND USE	A-RR	R-1	R-2	R-3	N-R	MX	C-O	C-I
Drug Stores						**P**	**P**	
Dwellings, Multi-Family				**P**		**P**		
Dwellings, Single-Family Detached	**P**	**P**	**P**	**P**	**P**	**P**		
Dwellings, Single-Family Semi-Detached (Twin – 2 Dwelling Units)			**P**	**P**		**P**		
Dwelling, Single-Family Attached with Integral Garage			**P**	**P**				
Dwelling, Single-Family Attached(Townhouse)			**P**	**P**		**P**		
Dwellings, Two-Family(Duplex – 2 Dwelling Units)			**P**	**P**		**P**		
Eating and Drinking Establishments						**P**	**P**	
Exotic Wildlife	**SE**							
Farm Cafés						**P**	**P**	**P**
Farm Markets	**P**					**P**	**P**	
Florists							**P**	
Funeral Home						**P**	**P**	
Golf Courses	**SE**							
Group Day Care Homes				**SE**	**SE**	**SE**		
Group Homes	**P**	**P**	**P**	**P**		**P**		
Group Care Facility and/or Youth Ranch and Treatment Center			**SE**	**SE**				
Hotels and Motels							**P**	
Indoor Recreation Facilities							**P**	
Kennels	**SE**						**SE**	
Large Solar Energy Production Facilities	**SE**							**SE**
Laundry and Dry-Cleaning Establishments								**P**
Laundry and Dry-Cleaning (Personal)						**P**	**P**	
Laundromats						**P**	**P**	
Libraries		**SE**	**SE**	**SE**		**P**	**P**	
Manufacturing								**P**
Medical and Similar Laboratories and Clinics						**P**	**P**	
Medical Marijuana Dispensaries						**SE**	**SE**	**SE**
Medical Marijuana Growers/Processors								**SE**
Mini-Storage Warehouses						**SE**	**SE**	**P**
Mobile Home Parks	**SE**							
Natural Production Uses	**C**							

PRINCIPAL LAND USE	A-RR	R-1	R-2	R-3	N-R	MX	C-O	C-I
Nurseries/Horticulture	**P**							
Nursing/Skilled Care & Retirement Villages				**P**			**P**	**P**
Office Centers						**P**	**P**	**P**
Offices, Contractors Yard								**P**
Offices, Professional						**P**	**P**	**P**
Open Space		**P**						
Outdoor Recreation Areas, Private and Semi-Public								**P**
Personal Services						**P**	**P**	
Place of Assembly	**C**	**C**	**C**	**C**		**C**	**C**	
Power Generation Facilities								**SE**
Public or Private Park/Recreation Areas	**P**	**P**	**P**	**P**	**SE**		**P**	**P**
Public Uses and Buildings	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Public Utility Buildings and Structures	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**
Radio and Television Stations						**P**	**P**	**P**
Recreational Vehicle Camps	**C**							
Resorts	**P**							
Retail Businesses						**P**	**P**	
Riding Academy or Boarding Stable	**P**	**SE**						
Sale of Agricultural Products	**P**							
Salvage Yard	**SE**							**SE**
Schools, Commercial							**P**	**P**
Schools, Non-Public/Public	**SE**	**SE**	**SE**	**SE**		**P**		
Skeet, Rifle, or Archery Ranges	**SE**							**SE**
Solid Waste Disposal/Processing Facilities								**C**
Student Housing	**SE**	**SE**	**SE**	**SE**		**P**		
Tattoo Parlors						**SE**	**SE**	**SE**
Vehicle Repair and Service Shops							**SE**	**P**
Warehouse								**C**

Section 207 – Table of Accessory Use Regulations

The table shows the authorized accessory uses in the districts designated in Section 200.

P = Use Permitted by Right **SE** = Use by Special Exception								
ACCESSORY LAND USE	**A-RR**	**R-1**	**R-2**	**R-3**	**N-R**	**MX**	**C-O**	**C-I**
Animals and Animal Structures – Non-Commercial	**P**	**P**						
Accessory Agricultural Uses	**P**	**P**						
Accessory Apartment	**P**	**P**	**P**	**P**	**P**	**P**		
Accessory Day Care	**SE**	**SE**	**SE**	**SE**		**P**	**SE**	
Accessory Structures	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Beekeeping	**P**	**P**	**P**		**P**	**P**	**P**	**P**
CSA Delivery Station Accessory to Farm Lot	**P**							
CSA Delivery Station on Different Lot than Farm	**P**					**P**	**P**	
Drive-Through Facilities for Permitted Uses						**SE**	**SE**	
Echo Housing	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**		
Farm Cafés	**P**							
Farm Camps	**P**							
Farm Markets	**P**					**P**	**P**	
Food Trucks						**P**	**P**	**P**
Home-Based Businesses, No-Impact	**P**	**P**	**P**	**P**	**P**	**P**		
Home Occupations	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**		
Keeping of Poultry, Rabbits, and Fowl (3 Acres or Less)	**P**	**P**	**P**	**P**	**P**	**P**		
Outdoor Hydronic Heaters	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Sale of Agricultural Products	**P**	**P**				**P**		
Short-Term Rentals	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**		
Small Solar Energy Systems	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Small Wind Energy Systems	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Special Event Venues	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**

Section 208 – Table of Area and Bulk Regulations

The table shows the area and bulk standards for the districts designated in Section 200.

				MINIMUM					MAXIMUM	
DISTRICT	**USE**	Lot Size (acres) No Public Sewer	Lot Size (acres) Public Sewer	Lot Frontage (ft)	Front Yard Setback (ft) Private Street	Front Yard Setback (ft) Public Street	Side Yard Setback (ft)	Rear Yard Setback (ft)	Structure Height (ft)	Impervious Coverage (%)
A-RR	Dwellings	2	2	200	40	40	25	35	35*	30%
	Agricultural/Animal-Related Uses other than Confined Livestock Operations	5	5		150	150	150	150		
	Resorts and Golf Courses	30	30	--		150				
	All Other Principal Uses	50	50		200	200	200	200		
	Accessory Structures	--	--	--	SEE SECTION 1301					
R-1	Dwellings	1	1	150	40	40	25	25	35*	30%
	Public Uses and Buildings and Places of Assembly	3	3		50	50	50	50		
	Golf Courses	20	20	--	150	150	150	150		
	All Other Principal Uses	5	5	200	75	75	75	75		
	Accessory Structures	--	--	--	10	10	10	10		
R-2	Single-Family Detached Dwellings	1	0.5	100	40	40	25	25	35	40%
	Other Dwellings	1		150						
	Single-Family Attached Dwelling with an Internal Garage	1	0.5		40	40	25	25		
	Public Uses and Buildings and Places of Assembly	2	2		50	50	50	50		
	All Other Principal Uses	5	5	200	75	75	75	75		
	Accessory Structures	--	--	--	**40**	**40**	10	10	20*	--

				MINIMUM					MAXIMUM	
DISTRICT	**USE**	Lot Size (acres) No Public Sewer	Lot Size (acres) Public Sewer	Lot Frontage (ft)	Front Yard Setback (ft) Private Street	Front Yard Setback (ft) Public Street	Side Yard Setback (ft)	Rear Yard Setback (ft)	Structure Height (ft)	Impervious Coverage (%)
R-3	Single-Family Attached Dwelling with an Internal Garage.	1	0.25/du	150	30	50	15	25	35	50%
	Dwellings	1	0.25/du	150	30	30	15	25	35	50%
	Nursing or Convalescent Centers, Retirement Villages	2	2		50	50	25	50		
	All Other Principal Uses	1	1							
	Accessory Structures	--	--	--	30	30	10	10	20*	--
N-R	All Uses/Structures	1	1	150	**	**	25	25	35*	50%
MX	All Uses/Structures	1	0.5	100	40	40	25	25	35*	60%
C-O	All Uses/Structures	1	1	150	25	25	25	25	35*	70%
C-I	Salvage Yards	1	1	150	75	75	35	75	35*	70%
	Data Centers	20	20							
	Solid Waste Disposal/ Processing Facilities	20	20	--	200		200	200		
	Public Utility Buildings and Structures	n/a	n/a	150	50		25	50		
	All Other Uses/Structures	1	1							

Notes:

1. The width of any lot may be measured at a line parallel to the required Building setback or the right-of-way.
2. See respective zoning district(s) for specific provisions related to interior yards.
3. Flag lots may be created in accordance with Section 503D(7) of the Middle Paxton Subdivision and Land Development Ordinance.
4. For R-2 District, the Front yard setback may be reduced to no fewer than thirty feet (30') where the use is Single Family Attached Dwelling with Integral Garage, provided, however, that, for any reduction in setback below forty feet (40'), no less than four (4) off-street parking spaces per unit are proposed.
5. For R-3 District, The Front Yard setback may be reduced to no fewer than thirty feet (30’) where the use is Single Family Attached with Internal Garage, provided, however, that, for any reduction in setback below fifty feet (50’) from a public street, no less than four (4) off-street parking spaces per unit are proposed.

* Structures shall have a maximum height of thirty-five (35) feet, except for the following structures, which may be up to fifty (50) feet' in height: spires (for places of assembly); chimneys; elevator bulkheads and other mechanical equipment that is part of the principal structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for human habitation.

The following structures may exceed the thirty-five (35) feet maximum height limitation but may not exceed fifty-five (55) feet in height: communications antennas mounted on an existing building, utility pole, or communications tower, subject to the provisions of Section 1414.

The following principal structures may exceed the thirty-five (35) feet maximum height limitation but may not exceed two hundred (200) feet in height; communications towers, subject to the provisions of Section 1414.

** 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 be construed as part of the building. On a corner lot, two (2) front yards shall be provided.

ARTICLE 3.
Agricultural and Rural Residential District (A-RR)

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 Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the A-RR District.

Section 303 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the A-RR District.

Section 304 – Buffers and Screening

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

Section 305 – 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 non-farm district boundary nor a non-farm residence.

Section 306 – Sale of Agricultural Products, Accessory

The sale of agricultural products is subject to the following criteria:

A. In the A-RR District, 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 (25) feet from any property line. In any other zoning district where said use is permissible as identified in Article 2, any structure used to display agricultural products shall not exceed five hundred (500) square feet in size and shall be located at least twenty-five (25) feet from any property line.

B. At least one half (1/2) of the products displayed for sale must be agricultural and have been produced on the premises.

C. Only one (1) 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.

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

E. A Plan for Circulation and Safety shall be submitted for approval.

F. The use shall be subject to the Middle Paxton Township permit schedule as applicable.

ARTICLE 4.
Low Density Residential District (R-1)

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 Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the R-1 District.

Section 403 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the R-1 District.

Section 404 – Buffers and Screening

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

Section 405 – 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 fifteen (15) acres or greater into parcels for development as open space residential development.

B. General

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

2. Utility Requirements. A minimum of one (1) utility, in the form of a public or community sewer system, or public or community water supply system, shall be provided for the development. The system shall be approved by the Pennsylvania Department of Environmental Protection.

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 forty-three thousand five hundred and sixty (43,560) sq. ft.]

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

Total Tract area:

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

= Net Tract Area

2. Lot Area Requirements

   (a) Minimum Lot Area – Twenty thousand (20,000) square feet.

   (b) Minimum Lot Width – One Hundred (100) feet at the lot frontage, and if along the turnaround of a cul-de-sac, eighty (80) feet at the lot frontage.

   (c) Minimum Lot Depth – One hundred and fifty (150) feet.

3. Setback Requirements

   (a) Minimum Front Setback - Thirty (30 feet 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 (50) feet.

   (b) Minimum Side Setback - Fifteen (15) feet. There shall be two (2) side yards.

   (c) Minimum Rear Setback - Thirty (30 feet. 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 Section 105 of this Ordinance.

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

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

3. The following areas shall not be calculated as open space:

   (a) 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.

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

4. A minimum of fifty (50) percent of the open space must be interconnected and shaped so as to be usable for active or passive recreation or agriculture.

5. Developers should submit sketch plans of proposed open space development to the Middle Paxton Township Planning Commission.

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

7. Access to Open Space

   All lots for dwelling units shall either abut directly on open space or shall be located within five hundred (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.

8. 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 (HOA) 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) 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 the developer shall be responsible for the formation of the homeowners' association of which the developer is the owner, 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.

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

(f) 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.

(1) 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.

(g) 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.

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 fifty-one (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.

9. Future Development of Open Space

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

10. 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 406 – Sale of Agricultural Products, Accessory (see also Section 306)

A. Any structure used to display agricultural products shall not exceed five hundred (500) square feet and shall comply with setback requirements for the district.

B. At least one half (1/2) of the products displayed for sale must be agricultural and have been produced on the premises.

C. Only one (1) sign is permitted subject to the following criteria:

1. Size – Shall not exceed four (4) 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.

D. Off-street parking shall be provided for at least two (2) vehicles.

E. The use shall be subject to the Middle Paxton Township permit schedule as applicable.

ARTICLE 5.
Medium Density Residential District (R-2)

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 Density Residential District on the Zoning Map.

Section 502 – Use Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the R-2 District.

Section 503 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the R-2 District.

Section 504 – Interior Yards

Interior Yards – (open space between buildings) shall be provided as follows:

A. When front to front, rear to rear, or front to rear, parallel buildings shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) 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 (25) feet.

B. Between end walls of buildings, a yard space of twenty-five (25) feet for each one (1) story building, plus five (5) feet for each additional story shall be required.

C. Between end walls and front or rear faces of buildings, thirty (30) feet for one (1) story, plus five (5) feet for each additional story, shall be required.

D. When two (2) adjacent buildings differ in the number of stories, the spacing shall be not less than one-half (1/2) the sum of the required distance between two (2) buildings of lower height, plus that between two (2) buildings of the greater height.

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

greater.

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

Section 505 – Buffers and Screening

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

Section 506 – Parking; Streets

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

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

4. For Single Family Attached dwellings with Integral Garage, for any reduction in setback below Forty (40) feet from a street, no less than four (4) off-street parking spaces per unit.

B. 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 Ordinance for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

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

ARTICLE 6.
High Density Residential District (R-3)

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

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the R-3 District.

Section 603 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the R-3 District.

Section 604 – Interior Yards

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

A. When front to front, rear to rear, or front to rear, parallel buildings shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet 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 (25) feet.

B. When two (2) adjacent buildings differ in the number of stories, the spacing shall be not less than one-half (1/2) the sum of the required distance between two (2) buildings of lower height, plus that between two (2) buildings of the greater height.

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

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

E. Between end walls and front or rear faces of buildings, thirty (30) feet for one (1) story, plus five (5) feet for each additional story, shall be required.

Section 605 – Buffers and Screening

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

Section 606 – Parking; Streets

A. 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 (2) family detached dwellings, all parking areas shall be located at least twenty-five (25) feet from the buildings to allow access for emergency vehicles.

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

4. For Single Family Attached Dwelling with Integral Garage, for any reduction in set back below fifty (50') from a street, no less than four (4) off-street parking spaces per unit.

B. 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 Ordinance for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

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

ARTICLE 7.
Neighborhood Residential District (N-R)

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 Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the N-R District.

Section 703 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the N-R District.

Section 704 – Buffers and Screening

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

ARTICLE 8.
Mixed Use District (MX)

Section 800 – Purpose

A. MX - Mixed Use District

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 Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the MX district, unless specified below.

Use #	Use	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer/ No Public Sewer		No Public Water or Public Sewer	
		Minimum			Minimum		Minimum		Minimum	
					Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage
25	Mini-Storage Warehouses	See Section 803			22,500 sq. ft.	100 ft.	1 acre	100 ft.	1 acre	100 ft.

Section 803 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the MX district.

Section 804 – Buffers and Screening

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

B. When adjacent to an A-RR, R-1, R-2, R-3, N-R District, landscape buffers shall be provided in place of the yard setback required in Section 803.

Section 805 – Parking; Streets

A. Off-Street Parking

1. Parking space, off-street, shall meet regulations as set forth in Article 17 herein.
2. The required parking spaces shall be situated on the same lot within two hundred (200) feet of the land use to be serviced.

B. 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 Ordinance for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

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

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.

Section 808 – Procedural Requirements

A. 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 review and recommendation.

B. 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 an engineer's scale in a legible, professionally-standard technical format.

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, and 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.

C. Additional Site Plan Requirements

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 original approved site plan shall require amended site plan approval.

D. Exception

1. 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 nonresidential use is a permitted use within the district it is located.

2. 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.

ARTICLE 9.
Commercial and Office District (C-O)

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 Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the C-O District.

Section 903 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the C-O District.

Section 904 – Buffering and Screening

A. When adjacent to an A-RR, R-1, R-2, R-3, N-R, MX District, landscape buffers shall be provided in place of the yard setback required in Section 903.

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

Section 905 – Parking; Streets

A. 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 Ordinance for dedication, and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.

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

B. Off-Street Parking

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

2. The required parking spaces shall be situated on the same lot within two hundred (200 feet of the land use to be served.

Section 906 – Procedural Requirements

A. 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 office 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.

B. 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 an engineer's scale in a legible, professionally-standard technical format.

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, and 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.

C. Additional Site Plan Requirements

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 original approved site plan shall require amended site plan approval.

D. Exception

1. 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 nonresidential use is a permitted use within the district it is located.

2. 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.

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

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 Requirements

See Section 206 for the table of permitted, special exception, and conditional principal uses and Section 207 for the table of accessory uses authorized for the C-I District.

Section 1003 – Area and Bulk Requirements

See Section 208 for the table of area and bulk requirements for uses and structures in the C-I District.

Section 1004 – Buffer Yard Requirements

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

B. 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 1005 – Procedural Requirements

A. 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 office 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) calendar days prior to Planning Commission meeting. Such review and recommendations shall then be submitted to the Township Supervisors for review and recommendation.

B. 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 an engineer's scale in a legible, professionally-standard technical format.

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, and 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.

C. Additional Site Plan Requirements

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 original approved site plan shall require amended site plan approval.

D. Exception.

1. 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 nonresidential use is a permitted use within the district it is located.

2. 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.

ARTICLE 11.
Steep Slope Protection

Section 1100 – Purpose

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 certain restrictions for steep slope areas with other zoning requirements 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 affected 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 Provisions shall apply to those areas of the Township having slopes of fifteen (15%) percent 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 with slopes of twelve (12%) percent or greater shall be subject to the Special Exceptions regulations.)

B. All lots with average slopes, as defined herein, of less than twelve (12%) percent 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 (12%) percent or the requested use is for parking areas in the excess of a slope of six (6%) percent.

Section 1102 – Land Use and Development Regulations

The following land use and development regulations shall apply.

A. Slope shall be determined according to the formula*: Slope = Difference of Elevation divided by Length*.

B. Design Standards:

Average Slope	Maximum Disturbed Area	Maximum Impervious Surface
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 twelve (12%) percent or greater, such as to be considered a steep slope as defined in the Section 105 of this Ordinance.

C. 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 (25%) percent or greater. Never shall more than five (5%) percent of the area be re-graded or vegetation cover disturbed by the exceptions if they are granted.

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

E. Driveways and roadways shall not exceed a slope of ten (10%) percent within twenty-five (25%) feet of the street right-of-way lines. Parking areas shall not be in excess of six (6%) percent. Access drives shall not be in excess of four (4%) percent within seventy-five (75') feet of the intersecting street centerline.

F. 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 1103 – Uses Permitted

A. All uses permitted within the underlying zoning district, except those specifically prohibited in Section 1102 above, may be permitted.

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 (12) percent.

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 (2) feet intervals. The plans shall also include a reference benchmark used.

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

ARTICLE 12.
Floodplain Standards

The Township has adopted a single-purpose, standalone Floodplain Ordinance with appropriate cross-references to land use requirements, which is intended to comply with federal and state floodplain management laws and regulations. See Middle Paxton Township Floodplain Ordinance (Ordinance #91, as amended).

ARTICLE 13.
Supplemental Regulations

Section 1300 – Performance Standards for all Uses, Unless Otherwise Provided.

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

A. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the building of any such material.

B. Radioactivity or electrical disturbances. No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. Noise. Sound from any source shall not exceed the limits below.

Sound Level Limits. Decibels are enforceable only if taken by a trained operator and the equipment is calibrated.

Sound Level Limits by Receiving Land Use/District				
Land Use or Zoning District Receiving the Noise	**Hours/Days**		**Maximum Sound Level**	
At any lot line of a lot in a residential district or at an existing or an approved location of a residential use	1)	8:00 a.m. to 7:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1)	55 dBA
	2)	7:00 p.m. to 8:00 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	2)	45 dBA

Land Use or Zoning District Receiving the Noise	**Hours/Days**	**Maximum Sound Level**
At any lot line of a lot abutting an industrial district parcel.	All times and days	65 dBA

1. Exceptions to Noise Standards

(a) The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

(1) Sound needed to alert people about an emergency or building, equipment, or facility security alarms.

(2) Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.

(3) Household power tools and lawn mowers between the hours of 8 a.m. and 9 p.m.

(4) Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.

(5) Forestry and agricultural activities.

(6) Motor vehicles traveling on public streets.

(7) Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.

(8) Railroads and aircraft.

(9) Unamplified human voices.

(10) Routine ringing of bells and chimes by a place of worship or municipal clock.

(11) Hunting and target shooting.

D. Vibration. No vibration shall be permitted that is discernible without instruments on any adjoining lot or property.

E. Smoke. Smoke that is of a shade equal to or darker than No. 3 on the Standard Ringelmann Chart issued by the United States Bureau of Mines shall not be emitted by industrial or commercial uses for longer than eight minutes in any hour.

F. Odors. No malodorous gas or matter shall be permitted that is discernible on any adjoining lot or property or as otherwise regulated by the Pennsylvania Department of Environmental Protection.

G. Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted

that is harmful to health, animals, vegetation or other property or that can cause soiling or as otherwise regulated by the Pennsylvania Department of Environmental Protection.

H. Glare. No direct or reflected glare shall be permitted that is visible from any property or from any public street, road or highway.

I. Lighting. Lighting at any lot line shall measure 0.0 foot-candles and be Dark Sky compliant.

J. Erosion. No erosion, by either wind or water, shall be permitted that will carry objectionable substances onto neighboring properties.

K. Water pollution. Pollution and/or degradation of waters of the Commonwealth, including wetlands, shall be strictly prohibited.

L. Major excavation, grading or filling and land operations. No major excavation, grading or filling or land operation shall be permitted that shall fail to be undertaken in such manner as to offer reasonable protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties and access to site, including any nearby residential streets that must be traversed in conveying materials to or from the site. Mine Reclamation and Open Pit operations and setbacks shall be in accordance with the Pennsylvania Department of Environmental Protection, or as amended.

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

N. Public Nuisances and Hazards: 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.

O. Subdivision and Land Developments: shall be reviewed in accordance with the requirements of the Middle Paxton Township Subdivision and Land Development Ordinance.

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

Q. 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 building or structure having greater than one hundred and fifty-one (151) square feet to three hundred (300) square feet in lot coverage and no greater than fifteen (15) feet in height shall be permitted no closer than ten (10) feet rear and side yard setbacks.

B. An accessory building or structure having no greater than one hundred and fifty (150) square feet in lot coverage and one (1) story in height shall be permitted in a rear and side yard setback but

no closer than five (5) feet from the property line, and only one (1) such structure shall be permitted within said yard area. All other accessory structures on the lot, unless otherwise regulated by this Ordinance, shall comply with the required yard setback.

C. An Accessory building or structure having greater than three hundred and one (301) square feet and up shall be permitted per respective zoning district.

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

Section 1302 – Fences and Walls

A. No fence or wall (except a retaining wall of a building permitted under this Ordinance) shall be erected to a height of more than five (5) feet in a front yard and more than eight (8) feet in any other yard within all zoning districts, except industrial or commercial. In those two (2) 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 portion of a 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 or walls must not be located within five (5) feet from the edge of the right-of-way of any private or public road, including any roads, streets, or alleys. Otherwise, any fence and/or wall shall be a minimum of two (2) feet from a lot line.

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 or wall, as erected on any property, is found 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. Application for such permits shall be accompanied by plans and specifications, in duplicate, showing the work to be done; such plans shall be verified by the signature of the owner of the premises.

F. 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.

G. 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

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

1. The keeping or raising of livestock or horses shall be limited to lots of at least three (3) acres in area.

(a) Lots of three (3) acres shall be limited to two (2) head of livestock or horses.

(b) Lots of four (4) acres up to ten (10) acres shall allow two (2) additional head of livestock or horses per acre.

2. Any building used for the keeping and raising of livestock and horses shall be situated not less than one hundred (100) feet from any street line or residential property line.

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

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

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

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

7. All storage of manure to be at least one hundred (100) feet from all property lines and wells. This also includes all watercourses, such as streams, tributaries, creeks, and rivers.

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

B. The keeping of poultry, rabbits, and fowl in the A-RR, R-1, R-2, R-3, M-X and N-R Districts for private use and enjoyment shall be permitted as an accessory use subject to the following provisions:

1. Up to six (6) chickens, ducks, or rabbits at any one time can be raised or kept on lots measuring ten thousand (10,000) square feet or greater in size, provided that the shelters, pens, and cages for such chickens, ducks, or rabbits shall be set back at least twenty-five (25) feet from property lines. For every additional one thousand (1,000) square feet of lot size, the resident is permitted one (1) additional chicken, duck, or rabbit, with no other livestock on lots under ten thousand (10,000) square feet.

2. The keeping of roosters shall be prohibited on lots of less than three (3) acres in R-1, R-2, R-3, M-X, and NR Districts.

3. Up to one (1) individual fowl other than a chicken and duck (such as but not limited to geese, turkeys, ostriches, pea fowl, and the like) can be raised or kept on lots measuring four thousand (4,000) square feet or greater in size, provided that the shelters, pens, and cages shall be set back at least fifty (50) feet from property lines. For every additional two thousand (2,000) square feet of lot size, the resident is permitted one (1) additional fowl, with no other livestock on lots under ten thousand (10,000) square feet.

4. A shelter for chickens, ducks, or rabbits shall provide a minimum of eight (8) square feet per animal. A shelter for all other fowl shall provide a minimum of twenty (20) square feet per animal.

5. No animals shall be allowed to stray so as to create any health or safety hazards. Animals

shall be maintained as to be free from objectionable noise or behavior.

6. All animal structures and roaming areas shall be maintained as to be free from obnoxious or foul odors. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties and from contaminating any stream or otherwise having an adverse impact on the neighborhood.

7. Every owner engaged in the keeping of animals shall provide facilities maintained with best management practices so as to be clean and well-maintained and to avoid attracting vermin.

8. In addition to the criteria within the above subsections, sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:

9. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with all other zoning regulations.

10. Livestock other than poultry, rabbits, and fowl may only be kept on lots greater than three (3) acres in size in the A-RR and R-1 Districts and are subject to the provisions of Section 1303A.

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 (15) feet 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 (30) feet 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 (30) feet shall be required between a multi-family residential use and a single family/two (2) family residential use and or R-1, R-2, R-3, N-R, MX districts. Level 1 screening shall be provided in the buffer.

(3) A buffer yard of not less than thirty (30) feet 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 (30) feet 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 used 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, and Level 4, 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.

(d) 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.

(e) Parking Screen. Parking and storage of vehicles in yards abutting a street shall be 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 one and one-half (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.

(f) 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.

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

Section 1305 – Height Adjustments

Unless otherwise identified by Section 208, the following structures shall not be in excess of fifty (50) feet 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 apartments, and mobile homes the minimum habitable floor area shall be not less than three hundred (300) square feet.

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 grass 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. Fences, barriers, and gates for swimming pools shall comply with the applicable requirements of the Uniform Construction Code.

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

C. Swimming pool setback shall be twenty-five (25) feet from side and rear property line to water surface and five (5) feet from impervious surface to property line in all Districts.

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

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

F. 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.

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 factors create 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 (7:00 A.M. – 9:00 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 (25) feet. In the case of two (2) or more residences located on the same plot or piece of ground there shall be a distance of at least fifty (50) feet between said residences.

B. Front Yards:

1. Each lot shall have a front yard as required in the district in which the lot is located. Where an existing building line is established on at least fifty (50) percent of the properties in a block, the required minimum front yard depth shall be the average of front depths for existing principal buildings in the same block. In measuring to determine said building line, open porches shall not be considered as part of the building. On a corner lot, two (2) front yards shall be provided.

C. Rear Yards

1. Notwithstanding other regulations herein, no rear yard shall be reduced to less than twenty-five (25) feet.

2. No principal building shall be constructed less than twenty-five (25) feet 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 (50) feet between front or rear faces for one (1) story in height, plus five (5) feet for each additional story.

2. Between end walls of buildings, a yard space of twenty-five (25) feet for each one (1) story building plus five (5) feet for each additional story shall be required.

3. Between end walls and front or rear faces of buildings thirty (30) feet for one (1) story, plus five (5) feet 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 (1/2) of the sum of the required distance between two (2) buildings of lower height, plus that between two (2) buildings of the greater height.

5. The minimum distance separating multiple family buildings from non-residential uses shall be not less than seventy-five (75) feet 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 (18) inches.

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 (12) inches above the yard grade.

4. Covered and unenclosed stoops may project into the front and side setback not more than forty-eight (48) inches (Maximum of four (4) feet x six (6) feet).

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.

G. Exceptions

1. 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. See **Figure 10**.

2. Construction of additions 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: See **Figure 11**.

(a) MX Districts – minimum side yards shall total no less than fifteen (15) feet in width, with no one side yard less than five (5) feet in width.

(b) ARR and R-1 and R-2 Districts – minimum side yards shall total no less than thirty (30) feet in width, no side yard less than ten (10) feet in width.

(c) R-3 District –minimum side yards shall total no less than fifteen (15) feet in width, with no side yard less than five (5) feet in width – applicable to Single Family and Semi- detached Housing only. Limited to fifty (50) percent of original structure.

Section 1314 – Agriculture and Animal Husbandry

Agriculture and Animal Husbandry are permitted uses in the A-RR - Agricultural and Rural Residential District, subject to the following provisions:

A. Animal Husbandry refers to the keeping of animals other than:

1. As an accessory use provided for in Section 1303; or

2. As household pets.

B. Buildings in which poultry or animals kept either temporarily or permanently, except household pets or as provided for in Section 1303, shall not hereafter be erected within two hundred (200) feet 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 (100) feet to a Residential District boundary.

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

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

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

Section 1315 – Exotic Wildlife

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:

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

B. 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.

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

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

Section 1316 – Group Homes

A group home meeting the requirements of the definition in the Section 105 of this Ordinance 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 fourteen (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 three (3) nonresidents per day.

E. Parking - Two (2) off-street parking spaces shall be provided for each employee on duty at any one (1) time, and every two (2) residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than four (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 care facility" as defined in the Section 105 of this Ordinance. 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/ persons:

1. The minimum lot requirement in each district for a single-family detached dwelling will be required for Group Homes. The minimum building setbacks from all lot lines of at least twenty-five (25) feet, and provided that approved sewage disposal system **is** provided: eight (8) unrelated persons.

2. Any other lawful dwelling unit: Five (5) unrelated persons.

I. Septic - If a group home will use an on-lot septic system and will involve six (6) or more persons routinely on the premises at any one (1) 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 Article 5 the Middle Paxton Township Subdivision and Land Development Ordinance.

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

Only one (1) Accessory Apartment may be created in a single-family detached dwelling subject to the following criteria:

A. The accessory apartment will be a complete and separate housekeeping unit within an owner-occupied, single-family detached dwelling.

B. The owner(s) of the residence in which the accessory apartment is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences.

C. 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.

D. The design and size of the accessory apartment conforms to all applicable State and Township standards/codes.

E. The accessory apartment shall be no more than thirty (30) percent of the structure's habitable floor area.

Section 1320 – Automobile, Boat and/or Trailer Sales

Automobile, boat and/or trailer sales are permitted upon approval of the Board of Supervisors. The following standards shall apply to all such uses:

(a) Automobile, boat and/or trailer sales shall have direct access to an arterial road.

(b) All automobile, boat and/or trailer sales shall have a maximum lot area of one (1) acre.

(c) Automobile, boat and/or trailer inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.

(d) All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to fifty (50) percent luminosity after 11:00 P.M.

(e) Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust, and other disturbances.

(f) Landscaping requirements:

(1) One (1) tree (2 ½" cal.) per fifteen (15) display spaces shall be planted on the lot.

(2) A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions.

(3) A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip.

(g) A Delivery Zone Plan acceptable to the Township Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Township development and circulation patterns.

(h) The maximum lot area for an auto service station shall be twenty thousand (20,000) square feet.

(i) The use shall have direct ingress/egress to an arterial road.

(j) All authorized repair and service work, washing, and lubrication shall be conducted within a completely enclosed building.

(k) All automobile, boat and trailer parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.

(l) All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.

(m) Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

(n) 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.

(o) All exterior vehicle storage areas shall be screened from adjoining residentially zoned or residentially-used properties and roads.

(p) The storage of unlicensed vehicles for more than thirty (30) days is prohibited.

(q) 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.

(r) All automobiles, boats, trailers, and other vehicles shall be repaired and removed from the premises within thirty (30) days.

(s) The demolition or salvaging of vehicles, trailers, boats, and other machinery shall be removed from the premises within thirty (30) days.

Section 1321 – Riparian Buffer Strip

In all areas of the Township where streams or wetlands exist, a Riparian Buffer Strip, as defined in the Section 105 of this Ordinance, 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 permit 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 sewer/ water/ utility lines when proposed as part of a subdivision. Proper mitigation and replanting of disturbed vegetation with native species are required.

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

10. Residential Accessory Structures less than one hundred and fifty (150) square feet in size.

B. Prohibited Uses.

Within the Riparian Buffer Strip, the following uses shall be prohibited.

1. Clearing of existing vegetation, which causes the soil to be exposed to the danger of erosion without proper mitigation, 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. The riparian buffer strip shall include the one hundred (100)-year floodplain or be a minimum of twenty-five (25) feet wide from the edge of the normal water level or wetland limits whichever is greater.

6. Replanting of disturbed vegetation must be done utilizing native species as defined by DEP. Replanting must be accomplished within thirty (30) days of disturbance within the growing season. If outside the growing season, stabilization must be done in accordance with applicable DEP regulations.

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) feet from any on-lot wells.

Section 1323 – Small Solar Energy Systems

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 systems 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 right-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 systems which are round 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, included those of ANSI, UL, Det Norske Veritas (DNV), Germanisher 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 application for a zoning permit. 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 solar 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 heights 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 and animal health.

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 and 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 as 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 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 utility 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 1328 – Beekeeping

A. Beekeeping shall be permitted as an accessory use, see Section 207.

B. Colonies shall be maintained in moveable frame hives, with hives being no closer than twenty-five (25) feet to any property line, and at least fifty (50) feet from any dwelling located on an adjoining property.

C. All hives shall have access to an on-site water supply, whether it be a water-filled tank or from a natural water source located on the property.

D. Swarm management techniques shall be employed to maintain gentle colonies.

E. All hives shall have a solid fence or vegetative obstruction five (5) feet or more in height or be elevated so as to direct the flight path of the bees well above traffic and pedestrians.

F. Any beekeeper shall provide documentation that they are in compliance with Pennsylvania's Bee Law, 3 Pa. C.S.A. §§ 2101-2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.

Section 1329 – Farm-Related Supplementary Enterprises

A. Farm Café.

1. Farm cafés shall be permitted as principal uses in the MX, C-O, and C-I Districts and as accessory uses in the A-RR District.

2. The total gross floor area specific to the farm café use shall not exceed two thousand five hundred (2,500) square feet. This provision shall apply to the entirety of the farm café in the case of a freestanding structure or, in the case of an attached structure, the portion of the structure that shall be used for the farm café.

3. The minimum lot size shall be the same as the minimum lot size for the primary use of the property with the exception of nonconforming lots. In the case of nonconforming lots, the minimum lot size shall be the size of the lot, provided the other requirements of this Section can be met.

4. No structure within the facility shall exceed forty (40) feet in height.

5. To reduce traffic impacts, only on-site and take-out **are** permitted. No drive-through service is permitted.

6. Circulation and lot access shall be designed to minimize conflict with typical traffic conditions of the adjacent right-of-way.

7. Outdoor lighting shall be shielded in such a manner to not allow light to be emitted skyward or on to adjoining properties. No event lighting or loudspeaker system is permitted to be installed or used on the site.

8. Front, side, and rear setbacks shall be a minimum of fifty (50) feet.

9. Signage shall be permitted in accordance with the Township's sign regulations.

10. Adequate parking to accommodate the use shall be provided on-site according to the parking standards for Restaurants and Bars. A parking study submitted for review by the Township may suffice as justification for a number of parking spaces smaller than the zoning ordinance requirement.

11. Parking lots shall be either paved or maintained with a mud free/dust free surface.

12. Handicapped parking spaces shall comply with ADA standards.

13. Retail sales shall be limited to agricultural products produced in whole or in part as defined by the Pennsylvania Department of Agriculture including, but not limited to, canned or jarred fruits and vegetables and frozen meats. Retail sales shall only be permitted under this Section in conjunction with an eating establishment that is provided in accordance with the definition of farm café.

14. The farm associated with the farm café must be an active agriculture operation, as the purpose of the farm café is to serve primarily local and regional foods in support of sustaining local agriculture.

15. The landowner must retain all real property and fifty (50) percent business ownership of the farm café.

16. All sites with an on-lot septic system must be inspected by the Township's Sewage Enforcement Officer to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended.

17. The site shall be subject to all code requirements in the Township Code and Ordinances and to the performance standards specified in Section 1300 of this Ordinance.

B. Farm Camp.

1. Farm camps shall be permitted as accessory uses in the A-RR District.

2. Sleeping quarters shall be associated with the principal structure on the lot.

3. There shall be a manual schedule submitted to the Township with terms of occupancy and timeframe.

4. Attendees of farm camps shall not be employees of farm operation or any affiliated operation.

5. A minimum area equivalent to three (3) parking spaces shall be available for the use of parking on the lot.

C. Farm Market.

1. As a Principal Land Use:

(a) Farm markets shall be permitted as principal uses in the A-RR, MX, and C-O

Districts.

(b) The farm market parking area shall either be paved or maintained with a mud free/dust free surface.

2. As an Accessory Land Use:

(a) Farm markets shall be permitted as accessory uses in the A-RR, MX, and C-O Districts.

(b) Farm access shall be separate from the farm market entrance.

(c) A minimum area equivalent to three (3) parking spaces shall be available for the use of parking on the lot.

D. Community-Supported Agriculture (CSA) Delivery Station Accessory to Farm Lot.

1. Community-supported agriculture delivery stations accessory to a farm lot shall be permitted as accessory uses in the A-RR District.

2. Parking and circulation associated with the delivery station shall be designed to minimize conflict with principal land use activities on the lot.

3. A minimum area equivalent to three (3) parking spaces shall be available for the use of parking on the lot.

E. Community-Supported Agriculture (CSA) Delivery Station on Different Lot Than Farm.

1. Community-supported agriculture delivery stations on a different lot than a farm shall be permitted as accessory uses in the A-RR, MX, and C-O Districts.

2. There shall be a delivery schedule set in place.

3. A minimum area equivalent to three (3) parking spaces shall be available for the use of parking on the lot.

F. Agritainment.

1. No more than one (1) agritainment use at a time may be permitted, and it must remain secondary and clearly incidental to the active agricultural or farm principal use of at least ten (10) acres.

2. Agritainment use(s) shall be owned or operated by the landowner, landowner's immediate family member, or the operator or employee of the active agricultural operation; or a resident of the lot upon which the active agricultural operation occurs.

3. No new permanent structures to house an agritainment use shall be permitted. All nonpermanent, temporary structures shall be removed from the site at the completion of the agritainment use's season.

4. All activities, buildings, structures, off-street parking and loading areas associated with the

agritainment use shall be set back at least 100 feet from any adjoining property lines, and 300 feet from any adjoining residences or residentially zoned property.

5. No on-street parking shall be permitted.

6. All parking, loading, outside storage and landscape screening associated with the agritainment use shall comply with the regulations of this Zoning Ordinance.

7. The applicant may submit credible evidence (an hours of operation and management plan) that demonstrates that the proposed use can be effectively accommodated without adverse impact associated with traffic, numbers of attendees, hours of operation, noise, light, litter, dust, and pollution on adjoining uses.

8. To the maximum extent feasible, vehicular access to the agritainment use shall be limited to the same driveway or access drive connection as applicable with the public street right-of-way that services the active agriculture operation. Vehicular access shall be designed and constructed to the access drive standards of Middle Paxton Township.

9. All applicants shall demonstrate compliance with all federal and state regulations for food handling, petting zoos, amusement rides and attractions, and sanitary facilities.

Section 1330 – Food Trucks

A. Food trucks shall be permitted as accessory uses in the MX, C-O, and C-I Districts.

B. A minimum area equivalent to three (3) parking spaces shall be available for the use of parking on the lot.

Section 1331 – Convenience Store without Gas Dispensing

A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

B. Building and parking setbacks shall be consistent with the existing building and parking setbacks of the adjoining and neighboring lots on the block on which the development is located.

C. Buffering of parking and loading areas shall be provided in accordance with Section 1304.

D. A Convenience Store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by Article 5 of the Middle Paxton Township Subdivision and Land Development Ordinance, unless otherwise prohibited by this Ordinance.

E. Off-street parking shall be provided in accordance with the provisions of Article 17 of this Ordinance.

F. An Hours of Operation Plan shall be submitted for Township review and approval to ensure use does not negatively impact adjacent uses specifically as related to noise, light and/or traffic.

G. A traffic impact study acceptable to the Township Engineer, shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

H. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

I. A Delivery Zone Plan acceptable to the Township Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Township development and circulation patterns.

Section 1332 – Medical Marijuana Dispensaries

A. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.

B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

C. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

D. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent theft and unauthorized entrance into areas containing medical marijuana.

E. Permitted hours of operation of a medical marijuana dispensary shall be between the hours of 8:00 A.M. and **8**:00 P.M. of any calendar day.

F. A medical marijuana dispensary shall be a maximum of three thousand (3,000) gross square feet of which no more than five hundred (500) square feet shall be used for secure storage of product and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) percent of the gross floor area.

G. A medical marijuana dispensary shall:

1. Not have a drive-through service;

2. Not have outdoor seating areas;

3. Not have outdoor vending machines;

4. Prohibit the administering of or the consumption of medical marijuana on the premises; and

5. Not offer direct or home delivery service.

H. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

I. A medical marijuana dispensary may not be located within one thousand (1,000) feet of the property line of a school or a child-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

J. A medical marijuana dispensary shall be a minimum distance of one thousand (1,000) feet from the next nearest medical marijuana dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located.

K. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

Section 1333 – Medical Marijuana Growing/Processing Facilities

Medical marijuana growing/processing facilities are permitted by special exception in the C-I District subject to the following criteria:

A. A medical marijuana grower/processor shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

B. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.

D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health Policy and shall not be placed within any unsecure exterior refuse containers.

E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

F. Grower/processors may not locate within one thousand (1,000) feet of the property line of a school or child-care center.

G. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

Section 1334 – Riding Academies and Boarding Stables

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 (300) feet of any lot line and seventy-five (75) feet 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 (25) feet from all property lines. All enclosures shall be set back a minimum of one hundred (100) feet 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 1335 – School, Commercial

A. All buildings shall be setback at least fifty (50) feet from any property line and one hundred (100) 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 or cause back-up onto any public road.

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 fifty (50) percent (50%).

G. Lot coverage of impervious surface shall be no greater than seventy (70) percent (70%).

Section 1336 – Mini-Storage Warehouses

A mini-storage warehouse facility is a commercial use subject to the following criteria:

A. Off-street parking spaces shall be provided at the rate of one (1) space per each 50 storage units.

B. Required off-street parking spaces shall not be rented as, or used for the storage of private

vehicles, trailers, boats and other similar machinery, equipment and apparatuses. However, additional external storage areas may be provided for the storage of privately owned vehicles, trailers, boats and other similar equipment. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles, trailers, boats and other similar machinery, equipment and apparatuses.

C. Except for the outdoor storage of privately-owned vehicles, trailers, boats and other similar machinery, equipment and apparatuses as permitted and described above, all other permitted storage shall be kept within an enclosed building.

D. Storage shall be used solely for the dead storage (i.e., generally not in active or daily use) of property. Prohibited uses include, but are not limited to the following:

1. Auctions (not including auctions held by the owner of the facility to sell storage unit contents), commercial wholesale or retail sales, or garage sales;

2. The servicing, repair, or fabrication of vehicles, trailers, boats and other similar machinery, equipment and apparatuses, lawn equipment, appliances, or other similar equipment;

3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

4. The establishment of a transfer and storage or distribution business;

5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;

6. Indoor storage of living plants or animals;

7. Residential occupation of a unit; and

8. Indoor storage of flammable, highly combustible, explosive, or hazardous chemicals with the exception of privately-owned vehicles, trailers, boats and other similar machinery, equipment and apparatuses which are permitted to be stored in a unit.

E. In the MX District, the maximum building coverage shall be 25,000 square feet and the maximum building height shall be 25 feet.

F. Applicant shall adequately demonstrate to the Township Zoning Officer that all mini-warehousing/storage rental and/or contracts shall specifically prohibit the uses listed in subsection D above.

G. In the MX District, all external allowed vehicle and trailer storage shall be screened from all property lines with level 3 screening as per Table 13, Section 1304.

~~G.~~H. All mini-storage facilities shall be secured with an enclosed 6-foot high perimeter fence. All facilities in the MX District shall have an ornamental fence or brick or stone faced masonry wall along the road frontage.

ARTICLE 14.
Specific Criteria, Special Exceptions, and Conditional Uses

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 (Board) shall review the proposed special exception in accordance with the following requirements and criteria to determine that they have been met in addition to any other requirements necessary to fulfill the objectives of this Zoning Ordinance and any applicable county, state, and federal regulations.

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 deemed incomplete and not properly or duly 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 drawing 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 site 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 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 or encourage commercial or industrial traffic to use residential streets; and

4. That the applicant 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, 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 proposed use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use; and

8. Operations in connection with a proposed 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; and

2. Screening and landscaping 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.

3. The number/density of residents/employees and the magnitude of walk-in trade.

4. The floor area of the building, gross area of the lot and/or scale of development in devoted to the proposed use, as shown in elevations and site plans provided with the application.

5. The type of products, materials, equipment and/or processes involved in the proposed use.

6. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this and other Township Ordinances.

7. The hours of operation.

8. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.

9. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare, or vibration.

10. Complies with any applicable standards and criteria specified in this Part for the most nearly comparable conditional uses or use by special exception specifically listed in the zoning district in which it is proposed is in compliance with all other standards of this and other Township Ordinances.

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 requested 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 Zoning Hearing 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 where deemed appropriate:

1. Planting, fencing or screening;

2. Architectural or landscaping treatment;

3. Limited 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; and

7. Other improvements and/or restrictions and/or conditions as the Zoning Hearing Board may 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 property owners; and

3. For existing structures, dated photographs showing all sides of the structure(s).

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 one (1) year of the date of the authorization of the special exception.

Section 1405 – (Reserved)

Section 1406 – Accessory Day Care

Accessory Day Care shall be permitted as a special exception only where such use is accessory to a place of assembly, or a public or non-public school and is subject to the provisions stated below.

A. The accessory day care center shall meet all requirements for certification and/or registration by the Commonwealth 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 place of assembly or 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 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 sixty (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 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 Facilities

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 subject to the provisions stated below.

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 (300) feet from any property line.

4. All facilities shall not be detrimental to the health, welfare and safety of Township residents and their property.

B. In addition to the requirements in Section 1408.A, heliports and helistops shall meet the requirements stated below.

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) degree 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 registered engineer certification 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 required Federal Aviation Administration approval;

   (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; and

   (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 requirements stated below.

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 (2) 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 be and remain in 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 takeoffs and landings; and

6. Other requirements as may be reasonable and appropriate to protect the health, welfare and safety of Township residents and their property.

Section 1409 – (Reserved)

Section 1410 – Bed and Breakfast Homes and Inns

Bed and Breakfast Inns are permitted by special exception subject to the criteria stated below.

A. All applications for special exceptions for Bed and Breakfast Inns must adhere to the requirements of Sections 1401, 1402, 1403 and 1404.

B. A Bed and Breakfast Inn 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 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 Bed and Breakfast Inns shall be rented to overnight guests on a daily basis for periods not exceeding one (1) week.

E. Accommodations at Bed and Breakfast 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 Inn shall be required to obtain a state highway occupancy permit or Township driveway permit, as appropriate.

H. A Bed and Breakfast Inn must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under 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 with Section 1304.

J. For lighting requirements, see Section 1300.I.

K. The use of a residential dwelling for a Bed and Breakfast Inn utilizing an on-lot sewage disposal system must be approved by the Township's Sewage Enforcement Officer and system upgraded if necessary.

L. Not more than one (1) person for the housekeeping functions of the use other than the owner/ occupants of the Bed and Breakfast Inn shall be employed by the owner/occupant.

M. A traffic impact study shall be prepared if deemed necessary.

N. For sign requirements, see Article 16.

O. For parking requirements, see Article 17.

P. The source of water to be used by the Bed and Breakfast Inn shall be a potable water source as certified by an accredited test laboratory and tested annually.

Section 1411 – Beverage Production Uses

Beverage production uses shall be subject to the following lot size and development scale regulations:

A. If a large brewery, craft winery, craft distillery, or microbrewery use is on its own lot, the minimum lot area shall be that of the district. If the use occupies tenant space or a series of tenant spaces that are part of a multi-tenant building on a lot(s), the minimum building square footage associated with the use shall be one thousand five hundred (1,500) square feet.

B. Limited wineries and cideries shall be subject to the provisions stated below.

1. Permitted Residential District (ten (10) acres minimum).

(a) The craft winery shall be located on premises used for agriculture purposes.

(b) For every five thousand (5,000) standard cases or equivalent volume of wine or cider produced, there shall be at minimum one (1) acre of vineyard or orchard planted on the premises.

(c) The craft winery may include a tasting room.

(d) Access to the premises and accessways within the premises shall be designed to the satisfaction of the Township, County and/or Commonwealth as applicable and shall comply with applicable road and driveway standards and requirements. Ingress and egress shall be clearly marked and visible and turning movements into the premises shall not create congestion or unnecessary slowing at access points. The ingress and egress shall be paved twenty (20) feet inward from the juncture of a state or township road.

(e) Existing roads shall be utilized to the maximum extent feasible in order to minimize grading, site disturbance, and the loss of agricultural land.

(f) The visibility of parking areas associated with the limited winery or cidery from public roads shall be minimized through the use of landscaping and other devices.

(g) Required parking spaces shall be permanently maintained on the winery or cidery premises. The Township may modify the number of required spaces based on site-specific considerations. Oversized parking spaces to accommodate bus/limousine

parking are only required for wineries and cideries that are open for public tours.

2. Permitted Non- Residential Zoning Districts.

   (a) Wine grapes, apples and other fruit used in the production of wine or cider may be grown and/or purchased.

   (b) The limited winery or cidery may include a tasting room.

C. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be set forth by Title 47, the Pennsylvania Liquor Code, as amended, and the Pennsylvania Liquor Control Board.

D. Retail sales of beverage products shall be limited to those produced by the operator of the brewery, craft winery, or craft distillery or produced, bottled, or grown on the premises.

E. Tasting rooms and brewery pubs/tap rooms shall be clearly accessory, incidental, and subordinate to the primary operation of the beverage production facility.

F. The primary focus of the tasting room or brewery pub/tap room shall be the marketing and sale of beverage products produced on the premises. Sales of souvenirs and clothing bearing the logo of the business, as well as related items and other products that reflect or enhance the character or theme of the beverage production business may also be offered for sale.

G. Parking quantities shall be determined using the parking ratio applicable to Restaurants and Bars, as specified in Article 17 - Off-Street Parking and Loading.

H. Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to ensure that neither the lamp nor the related reflector interior surface is visible from a location off of the premises in order to prevent spill over onto adjacent lots under separate ownership. Exterior lighting shall not be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction. All off-street parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 PM.

I. To minimize conflicts and promote public health and safety, the storage of pallets, loading-related equipment and production-related materials shall be contained within an enclosed and covered structure that is connected to the principal building.

J. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty (50) percent of the gross square footage of the principal building.

K. Based upon the extent of delivery/truck traffic associated with the use, the Township may require a loading berth to be provided. The location of such berth shall be designated to minimize impact to surrounding land use(s) and circulation of vehicles and pedestrians.

L. The establishment shall not have a drive-through facility.

M. Outdoor Seating Areas.

1. A designated outdoor seating area, designed to be integral with the principal building, is permitted and shall be no larger than ten (10) percent of the entire lot and shall be only accessible through the inside of the facility.

2. The outdoor seating area shall be fully enclosed by fencing or landscaping and shall comply with all standards as required by the Pennsylvania Liquor Control Board.

3. The outdoor seating area shall only be located within the side or rear yards of the lot.

4. The outdoor seating area shall comply with all setback regulations required for the principal building and zoning district.

N. Waste Disposal.

1. A solid waste management plan shall be submitted for review and approval. The plan shall include a waste reduction program that includes the disposal of organic waste by drying, spreading, and disking the waste into the soil on agriculturally zoned property in or outside of the Township, which may include the premises of the beverage production use. Pomace may be used as fertilizer or as a soil amendment provided that the use or other disposal shall occur in compliance with applicable standards.

2. Liquid waste (process wastewater) from the beverage production operation shall be handled separately from domestic liquid waste and shall be in compliance with applicable discharge requirements.

3. Dumpsters and services areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet of any property line.

Section 1412 – Child Care Centers

A. The care center shall meet all requirements for certification and/or registration by the Commonwealth of Pennsylvania where required. Proof of such certification and any recertification shall be provided to the Township.

B. Whenever a childcare 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 thirty (30)-day period, upon a further inspection, the condition shall not have been corrected or abated, then the Fire Department shall require the childcare center to cease and terminate its operations at such locations within thirty (30) days of the date of notice.

C. The childcare center shall provide sufficient off-street parking, consisting of at least one (1) parking space for each employee of the childcare center, and at least one (1) parking space for

every two (2) children enrolled in the child care center.

D. The childcare 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 sixty (60) feet from any intersection.

E. An outdoor play area shall be provided pursuant to the regulations of the Commonwealth.

Section 1413 – Child Care Homes

A childcare home may be permitted as a special exception in a detached, semi-detached or attached single or two (2)-family dwelling subject to the following criteria:

A. Childcare homes shall meet all requirements for certification and/or registration by the Commonwealth of Pennsylvania where required, with 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, shall be provided.

C. With the exception of §1424.C.8, childcare homes shall also meet the provisions of Section 1424, Home Occupations.

Section 1414 – Communication Towers and Antennas - Wireless Communications Facilities

Unless county, state, or federal law, orders, court rulings, or legal precedent supersede the following provisions, wireless communications facilities may be permitted as Special Exception subject to the following criteria, see Section 206.

The purpose of this Section is to establish uniform standards for the site design, permitting, maintenance, and use of wireless communications facilities in Middle Paxton Township. While the Township recognizes the importance of wireless communications facilities (WCFs) in providing high-quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

A. By enacting this Section, the Township intends to:

1. Promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities;

2. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;

3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower-based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;

4. Address new wireless technologies, including but not limited to, distributed antenna systems, small-cell antennas, data collection units, cable Wi-Fi, and other wireless communications facilities;

5. Encourage the collocation of wireless communications facilities on existing structures rather than the construction of new tower-based structures;

6. Protect Township residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

7. Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

B. Regulations for All Tower-Based Wireless Communications Facilities.

1. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.

2. Any tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

3. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure.

4. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

(a) Maintenance Requirements for Tower-Based WCFs.

(1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

5. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" as amended.

6. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as a historic site as defined in the Section 105 of this Ordinance.

7. No tower-based WCF shall be located in the public right-of-way unless otherwise permitted by county, state, or federal law.

8. All tower-based WCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.

9. Tower-based WCFs shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

10. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

11. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

12. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

13. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

14. Within thirty (30) calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for new tower-based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Township shall advise the applicant in writing of its decision. If additional information is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred-fifty (150) day review period.

15. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise

comply with the terms and conditions of this Section.

16. Unused or Abandoned Tower-Based WCFs.

    (a) In the event that use of a tower-based WCF or a portion thereof is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued.

    (b) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.

    (c) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

    (d) Any unused portions of tower-based WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

17. The Township may assess the applicant and/or owner of the WCF appropriate and reasonable permit fees consistent with limits set by the Federal Communications Commission and directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

C. Regulations for Tower-Based WCFs Outside the Rights-of-Way.

1. No tower-based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.

2. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCFs.

3. A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.

4. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional, or municipal use subject to the following conditions:

    (a) The existing use on the property may be any permitted use in the applicable district other than a residential use and need not be affiliated with the communications facility.

    (b) The minimum lot size shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires,

the equipment building, security fence and buffer planting.

(c) The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no tower-based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.

5. Upon receipt of an application for a tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.

6. An application for a new tower-based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively the reasons why an existing tower or other suitable structure cannot be utilized.

7. Design Guidelines for Tower-Based WCFs Outside the Rights-of-Way.

(a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(b) Any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon any lawful considerations related to the character of the Township.

(c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

(d) A security fence having a maximum height of six (6) feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.

(e) An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.

(f) The WCF applicant shall submit a landscape plan to the Township for review and approval for all proposed screening.

8. The WCF applicant shall submit a soil report to the Township to document and verify the design specifications of the foundation of the tower-based WCF and anchors for guy wires, if used.

9. Accessory Equipment for Tower-Based WCFs Outside the Rights-of-Way.

(a) Ground-mounted equipment associated with or connected to a tower-based WCF

shall be underground. In the event an applicant can demonstrate the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.

(b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

10. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to collocate antennas on tower-based WCFs where technically and economically feasible and that the WCF applicant shall not unreasonably withhold such permission. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.

11. An access road, turn-around space and parking shall be provided to ensure adequate emergency and service access to a tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

12. Prior to the issuance of a permit, the owner of a tower-based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Township Solicitor in an amount of one hundred thousand (100,000) dollars to assure the faithful performance of the terms and conditions of this Section. The financial security shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Section, after reasonable notice and opportunity to cure. The owner shall file the financial security with the Township.

13. The Township reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact, to the extent permitted by law.

14. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or Commonwealth or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Regulations for All Non-Tower Wireless Communications Facilities

1. Non-tower WCFs are permitted by Special Exception in all zoning districts subject to the restrictions and conditions prescribed below; to prior written approval of the Township; and to county, state, or federal law, orders, court rulings, or legal precedent.

2. Upon receipt of an application for a non-tower WCF, the Township shall mail notice thereof to the owner or owners of every property within five hundred feet (500') of the

parcel or property of the proposed facility.

3. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.

4. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

5. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

6. Non-tower WCFs shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.

7. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" as amended.

8. Unused or Abandoned Non-Tower WCFs.

   (a) In the event that use of a non-tower WCF or portions thereof is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued.

   (b) All unused or abandoned WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.

   (c) If the WCF and/or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

9. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

10. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF or one thousand (1,000) dollars, whichever is less.

E. Regulations for Non-Tower Wireless Communications Facilities That Substantially Change the Wireless Support Structures to Which They Are Attached

1. Non-tower WCFs are permitted by Special Exception in all zones subject to the restrictions and conditions prescribed below and subject to prior written approval of the Township.

2. Upon receipt of an application for a non-tower WCF, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.

3. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.

4. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

5. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

6. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as a historic site as defined in the Section 105 of this Ordinance.

7. Non-tower WCFs shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.

8. Maintenance Requirements for Non-Tower WCFs That Substantially Change the Wireless Support Structures to Which They Are Attached

   (a) Any non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

   (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

   (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

9. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio-

frequency emissions in excess of the standards and regulations of the FCC including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" as amended.

10. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities

11. Prior to the issuance of a permit, the owner of a non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor in the amount of twenty-five thousand (25,000) dollars for each individual non-tower WCF to assure the faithful performance of the terms and conditions of this Section. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Section after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

12. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring, and related costs.

F. Regulations for Non-Tower WCFs Outside the Rights-of-Way

1. Design Guidelines for Non-Tower WCFs Outside the Rights-of-Way.

(a) Non-tower WCFs shall be collocated on existing structures such as existing buildings or tower-based WCFs.

(b) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

(c) A six (6)-foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(d) Non-tower WCFs shall employ stealth technology to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(e) Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a Conditional Use approval.

(f) All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be

analyzed in the context of such justification on an individual basis.

(g) Antennas and their respective accompanying support structures shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.

(h) The design guidelines above shall not apply to direct-broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

2. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the number of antennas.

3. Any material modification to a WCF shall require a prior amendment to the original permit or authorization.

4. The Township reserves the right to deny an application or the construction or placement of any non-tower WCF based upon visual and/or land use impact to the extent permitted by law.

5. The Township reserves the right to inspect any non-tower WCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or Commonwealth or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

G. Regulations for Non-Tower WCFs Within the Right-of-Way (ROW)

1. Design Guidelines for Non-Tower WCFs Within the Right-of-Way.

(a) Non-tower WCFs in the ROW shall be collocated on existing poles, such as existing utility poles or light poles.

(b) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

(c) Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted or otherwise coated to be visually compatible with the support structure upon which they are mounted.

2. In addition to permit fees as described herein, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for the

Township's costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township and authorized by resolution of the Township Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.

3. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

4. Safety Guidelines for Non-Tower WCFs Within the Rights-of-Way.

   (a) Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township.

   (b) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, or in the absence of a curb, the edge of the pavement.

   (c) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.

5. Design Guidelines for Non-Tower WCFs Within the Right-of-Way.

   (a) Ground-mounted equipment shall be located underground. In the event that an applicant can demonstrate to the satisfaction of the Township Engineer that ground-mounted equipment cannot be underground, then all such equipment shall be screened to the fullest extent possible through the use of landscaping or other decorative features to the satisfaction of the Township.

   (b) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

   (c) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

6. Removal or Relocation.

   Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of non-tower WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

   (a) The construction, repair, maintenance, or installation of any Township or other public

improvement in the right-of-way;

(b) The operations of the Township or other governmental entity in the right-of- way;

(c) Vacation of a street or road or the release of a utility easement; or

(d) An emergency as determined by the Township.

7. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact to the extent permitted by law.

H. Any person violating any provision of this Section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding five hundred (500) dollars for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Section and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Section.

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

J. The Township, by granting any permit or taking any other action pursuant to this Section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, Commonwealth, and local laws and regulations.

Section 1415 – Concentrated Animal Feeding Operations (CAFOs)

A. In the event that the parcel of contiguous land owned by the owner of the livestock operation consists of more than one (1) lot, the owner must merge such lots by a recordable agreement with the Township, which will preclude the lot 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 place of assembly, 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:

      (1) There was prior to the enactment of this Ordinance, another building housing animals within the required setback area.

      (2) 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.

      (3) The number of equivalent animal units (see Section 1415A.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 (3) times the number that were present on such tract prior to the enactment of this Ordinance.

2. 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.

3. The large livestock operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.

4. The large livestock operation must ensure 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.

5. 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.

6. 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 of the time the certificate is issued.

Section 1416 – Convenience Store with Gas Dispensing

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 (40) feet;

   2. Side lot line offset: ten (10) feet;

   3. Minimum width: twelve (12) feet;

   4. Maximum width: thirty-five (35) feet;

   5. Minimum separation of drives on same lot: twenty-five (25) feet.

F. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.

G. Signs: As permitted in Article 16 of this Ordinance.

H. Outdoor Display: All merchandise, except oil racks, propane tanks, and windshield washer fluid, 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.I.

J. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.

Section 1417 – Conversion Apartments

The conversion of a single-family dwelling into a dwelling for more than one (1) family may be established, subject to the following criteria:

A. The conversion apartments shall be in such dwelling in the ratio of one (1) for each one thousand (1,000) square feet in total floor area (not inclusive of basement floor area) in such dwelling before conversion, provided further that the total dwelling units in each building shall not exceed four (4) in number.

B. One (1) off-street parking space shall be provided for each conversion apartment or dwelling unit added.

Section 1418 – Data Centers and Accessory Uses

Data Centers shall be permitted by Conditional Use in the Commercial -Industrial (C-I) Zoning District when approved in compliance with the procedures, standards, and criteria contained in this section and Article IX of the Pennsylvania Municipalities Planning Code (MPC).

A. Dimensional Standards.

1. Minimum tract size: 20 contiguous acres

2. Maximum impervious coverage: 75% of tract area, including all driveways, parking areas, and truck loading areas, unless otherwise regulated by stormwater ordinance

3. Maximum gross building coverage: 30% of tract area

4. Minimum lot width at the building line (feet) 100 feet

5. Maximum gross building size (all buildings in total): 100,000 square feet, inclusive of all Data Center Accessory Use buildings on the tract

B. Maximum Height.

1. The maximum building height for a Data Center shall be 35 feet, exclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers. Building height shall be calculated from ground to the top edge of the main roofline and exclude any mechanical or accessory equipment, screen walls, and/or parapets.

2. No mechanical or accessory equipment mounted on the roof shall exceed 20 feet in height from the top edge of the roof.

3. The maximum height of Data Center Accessory Uses shall be no greater than the height of

the Data Center principal building.

4. Parapets shall not exceed 20 feet in height from the top edge of the roof, except in cases where parapets are utilized for sound screening purposes. Then the size of the parapet shall be no larger than the height of the mechanical equipment seeking to screen.

C. Minimum Setbacks.

1. Data Centers and Data Center Accessory Uses, and Data Center Equipment shall be located no closer than the following minimum distances:

2. 300 feet from any lot line adjoining property that is zoned for Residential use or a Sensitive Receptor.

3. 200 feet from the ultimate right-of-way of any dedicated, publicly maintained street.

D. Parking, Driveway and Loading Requirements.

1. Parking requirements.

(a) A minimum of one (1) parking space per employee on the largest shift if required, plus additional two (2) visitor spaces.

2. Loading/Delivery Areas:

(a) A minimum of one (1) loading space for off-street loading is required. All loading spaces/bays are permitted to be located on one (1) façade of the Data Center Principal building.

(b) Must be screened from public streets and residential uses.

(c) Shall be located to the side or rear of the building provided such loading area is not located adjacent to residentially zoned property.

3. Access:

(a) Primary Access: Must be from an arterial or collector roadway.

(b) It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site, and such means shall be maintained for the duration of the use.

4. Traffic Study:

(a) Required for facilities exceeding 50,000 square feet gross floor area in total or aggregate.

E. Building Placement and Orientation.

1. The parcel or assemblage of adjacent parcels developed as a unified development must have direct access to an arterial or collector roadway. Parcels divided by a public roadway

or land owned by a public utility but owned in common or otherwise developed as a unified development are deemed to be contiguous for the purpose of all area and land mass calculations.

F. Building Design.

1. Facades facing public rights-of-way shall include architectural treatments to reduce visual massing.

2. Monotone or reflective exterior materials are discouraged.

3. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

4. Data Center Equipment shall not be located between any principal Data Center building and any arterial or collector street that the site fronts, unless approved during the Conditional Use process.

5. Design should be made to minimize impacts to natural resources.

6. For Data Center sites containing more than one (1) principal building, a variety of building sizes, massing, siting, and architectural treatments is encouraged. Building placement should provide a transition in scale from smaller or lower-height buildings along public street frontages to large and taller buildings toward the interior of the site. Site design shall consider existing topography to minimize the visual prominence of larger or taller buildings, and such structures should be sited to avoid highly visible locations along public roadways or elevated areas of the property where feasible.

G. Landscape Buffer – See Article 13, Section 1304:

1. A landscape buffer is required adjoining land within a residential zone, or being utilized by a residential use, adjoining a property being utilized as a permitted Residential Use or Sensitive Receptor shall meet the following buffer yard type and width requirements, unless otherwise stipulated in this Ordinance.

2. The buffer yard shall extend the entire length or width of the property line of the adjoining zone or lot except along ingress and egress points.

3. The landscaping buffer shall comply with the following requirements:

(a) The landscape buffer shall be at least 30 feet in depth and may be part of the minimum setback distance.

(b) Landscape Buffer yards shall not include environmental encumbrances such as, but not limited to, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.

(c) Landscape Buffer yards along roadways shall be measured from the street right-of-way line.

(d) Landscape Buffer yards are required to be maintained throughout the duration of the

use of the Data Center.

(e) The use of existing vegetation for landscaping and screening is encouraged. If existing vegetation is adequate to meet the intent of the required landscape buffer yard to screen the Data Center and DCE from adjoining Residential Zoning District(s), and public roadways, the Board of Supervisors, upon recommendation by the Township Engineer and Planning Commission, at its discretion may determine that existing topography and/or vegetation constitutes all or part of the required landscape buffer.

(f) Buffer planting shall consist of native species planted as follows:

(1) One (1) large evergreen tree per 30 linear feet of buffer.

a. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

(2) One (1) deciduous canopy (shade) tree per 30 linear feet of buffer.

a. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.

(3) One (1) ornamental/flowering tree per 30 linear feet of buffer.

a. The size of ornamental flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of plating for single-stemmed varieties.

(4) Five (5) shrubs per 50 linear feet of buffer.

a. The size of shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting.

b. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

H. Screening and Fencing.

1. All Data Center operations shall provide screening and fencing as follows:

(a) Screening shall be provided for all ground-mounted and roof-mounted mechanical equipment associated with facility operations, including cooling, ventilation, power generation, and power supply equipment, that is located within 50 feet of any property line or public right-of-way. Such equipment shall be fully enclosed. Where full enclosure is not mechanically feasible, the equipment shall be fully screened from view using one or more of the following methods:

(1) The landscape buffer required by Section 1304 above.

(2) The use of existing vegetation for landscaping and screening is encouraged. If existing vegetation is adequate to meet the intent of the required screening of the Data Center and DCE from adjoining Residential Zoning District(s), and

public roadways, the Board of Supervisors, upon recommendation by the Township Engineer and Planning Commission, at its discretion may determine that existing topography and/or vegetation constitutes all or part of the required screening.

(3) A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all-season natural ground cover, and any required screening plantings shall be arranged on the outside and top of the berm.

(b) Where full enclosure is provided using a visually solid fence, screen wall, panel, parapet wall, sound-attenuating barriers or comparable screening structure, such enclosure shall be constructed of materials that are compatible with the exterior materials of the principal building.

(1) Where mechanical equipment is screened by a parapet wall, penthouse, sound-attenuating barrier, or comparable screening structure located on a building, such structure shall be set back from the building façade so that the top of the screening structure does not extend above a forty-five (45) degree plane measured from the top of the parapet wall.

(c) Fencing is permitted on the property; however, fencing located along public or private roadways shall not consist of chain-link fencing, with or without slatted inserts.

(1) Perimeter and Security fencing shall not exceed eight (8) feet in height above ground and shall be of high-quality design and materials. Security fencing that uses barbed wire is required to have visual fencing or screening as provided in subparagraph 1 above.

(2) Compliance with this subsection shall not be required where such fencing is fully screened from view by one or more of the methods identified in Screening and Fencing Subparagraph listed above.

(3) Security fencing shall not be deemed to satisfy screening requirements unless otherwise approved at the discretion of the Board of Supervisors.

I. Water and Sewer.

1. The applicant shall demonstrate that an adequate water supply, provided by a public or approved private system, is available to serve the proposed data center use.

(a) If the use will be served by public water supply, the applicant shall submit documentation from the public authority certifying that the public authority can supply the water needed without adverse impact.

(b) If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study by a qualified and licensed professional.

(1) The purpose of the study is to determine if there is an adequate supply of water

for the proposed use and to estimate the impact of use on existing wells, groundwater, and surface waters.

(2) The scope of the study is to be reviewed and approved by the Township Engineer and;

a. The water feasibility study shall include the following information at a minimum:

i. Projected demands of the Data Center;

ii. The source of water to be used;

iii. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g., cooling, humidity control, fire suppression, and domestic usage);

iv. The long-term safe yield of the water source;

v. A geologic map of the area with radius of at least one (1) mile from the site;

vi. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;

vii. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;

viii. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundaries and all known point sources of pollution;

ix. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table;

x. A statement of the qualifications and signature(s) of the person(s) preparing the study.

(c) Any water withdrawal associated with a data center shall comply with all applicable federal and state regulations, including coordination with the Pennsylvania Department of Environmental Protection. Where applicable, approval from the Susquehanna River Basin Commission shall be obtained prior to the initiation of any withdrawal or consumptive use of water. The applicant shall demonstrate, as part of the permitting process, that all required approvals have been secured or that the proposed withdrawal is below applicable regulatory thresholds.

2. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

3. Any water cooling systems in a Data Center shall utilize a closed-loop cooling system to manage temperature by recirculating water without direct exposure to the atmosphere.

J. Noise and Vibration Regulations.

1. The applicant shall demonstrate that noise generated by the proposed Data Center will comply with applicable municipal noise regulations and will not result in adverse impacts to adjoining properties or sensitive receptors.

(a) Where the use is subject to an adopted township noise ordinance or performance standard, the applicant shall submit documentation demonstrating compliance with such standards for normal operations and routine testing of emergency or backup equipment, as applicable.

(b) As part of any land development plan submission and where determined necessary by the Township due to the nature or intensity of the proposed use, the applicant shall submit a Noise Impact Study.

(1) The purpose of the Noise Impact Study shall be to estimate existing ambient sound levels and projected post-construction sound levels associated with facility operations, including cooling systems, mechanical equipment, and emergency generators, and to evaluate potential noise impacts at all property lines and at nearby existing dwellings.

(2) The scope of the study is to be reviewed and approved by the Township Engineer and the study is to be completed by a qualified acoustic professional and is to be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. It is to consist of the following;

a. Estimated existing and post-construction sound levels at all property lines, expressed in dBA and dBC, demonstrating compliance with the applicable noise standards set forth in this section;

b. An estimate of the dBA and dBC noise levels that adjacent existing dwellings would experience under existing and proposed conditions;

c. A description of proposed noise mitigation measures, including methods and materials, intended to limit sound levels to the standards established herein;

d. Include recommended sound-reducing materials or systems as needed to meet the aforesaid standard; and

e. An evaluation of anticipated noise levels under both normal

operating conditions and routine emergency or backup system testing.

(3) All costs for both studies will be paid for by the applicant.

2. Sound levels shall not exceed the following dBA and dBC levels for zoning district contiguous to the property line of the subject property, measured at the property line. See **Article 1300**.

3. Backup Generators and back-up power systems, shall not be tested between 7:00 PM and 8:00 AM. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

4. No vibration generated by Data Centers or DCE shall be perceptible beyond the property line of the site, as determined without the use of instruments.

(a) The application shall provide a vibration study prepared by a qualified professional that demonstrates no vibration from the Data Center, Data Center Accessory Uses, or DCE, will be perceptible to the human sense of feeling beyond the property lines. All costs for present and future vibration studies will be paid for by the applicant.

5. A noise reduction barrier or device shall be required where post-construction monitoring demonstrates noncompliance with sound limits set forth herein or where the applicant's acoustic study identified mitigation measures necessary to achieve compliance.

6. Middle Paxton Township reserves the right, in its sole discretion, to engage a third-party sound expert of its choosing to perform a post-occupancy noise study at the Data Center facilities at the Owner's expense to confirm compliance with the sound level standards set forth in this Ordinance. If the study shows that the noise standards are not met, the Owner shall undertake any modifications needed to bring the facilities into compliance with the noise standards.

K. Power.

1. Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

(a) If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider.

(b) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

(c) Above-ground utility boxes and other equipment must be co-located and screened.

(d) Installation of utility lines within or adjacent to all roads must not restrict the installation or adequate future growth of required street trees and landscaping.

(e) All major utility and minor utility sites must conform to natural topography and minimize disturbance of steep slopes and natural drainage.

(f) Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems (e.g., Small Modular Reactors (SMRs)), shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to all regulations applicable to such use.

L. Lighting and Glare.

1. A Lighting Plan is required to be submitted that shows all exterior lighting, including any security lighting. Lighting shall comply with the municipal lighting ordinance and the following:

(a) Full cutoff fixtures required.

(b) Maximum illumination at properties lines:

(1) Non-Sensitive Receptors: 0.5 foot-candles

(2) Sensitive Receptors: 0.1 foot-candles

(c) No strobing or color lighting.

2. LED light sources shall have a correlated color temperature that does not exceed 3000k.

3. Luminaires shall not be mounted more than 35 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.

4. All outdoor lighting fixtures shall be properly shielded so that such lighting will not adversely affect any abutting property or public street.

M. Emergency Management.

1. Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

2. Any Data Center proposing battery energy storage systems (BESS) or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

3. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional and is to be reviewed by the Township's Emergency Management Coordinator, and or the Emergency Management Agency or other appropriate Municipal official servicing in this capacity for review and comment.

N. Small Modular Reactors (SMRs) Accessory to Data Center Uses.

1. The purpose of this section is to establish standards for the siting and operation of Small Modular Reactors (SMRs) in a limited and controlled manner as an accessory or integrated component of Data Center uses in order to protect public health, safety, and welfare while recognizing the federal regulatory authority governing nuclear facilities. Nothing herein is intended to regulate matters preempted by federal or state law.

2. An SMR facility shall be permitted only as an accessory use to a principal Data Center use, subject as a Conditional Use, which can demonstrate the following:

   (a) Approval from the Nuclear Regulator Commission (NRC), or similar/successor entity;

   (b) Demonstration by developer of a Federally approved constructor and operator of the proposed facility;

   (c) The licensed operator and developer must demonstrate that there is an adequate repository of nuclear fuel produced by the SMR with a federally licensed facility and/or agency;

   (d) There will be no processing or enrichment acidity at the SMR site;

   (e) Any temporary fuel storage, used for refueling, or removed during refueling, will be disposed of in accordance with a plan approved by the NCR and other applicable Federal and State agencies having jurisdiction.

   (f) Before commencement of construction the operator prepares and submits to the Municipality and NRC any required decommissioning plan, and if none is required by the NRC at time of construction, then to the City a proposed decommissioning plan which ensures the removal of all radioactive materials when the SMR is no longer in operation.

   (g) A Safety Plan shall be submitted in a form reasonable acceptable to the Municipality for the SMR. If the Safety Plan complies with the federal standards, or is approved by a Federal agency, the Safety Plan shall be deemed approved by the Municipality.

O. Woodland Disturbance.

1. Woodland disturbance, including the alteration or removal of hedgerows, shall be minimized to the maximum extent practicable. No portions of tree masses, tree lines, hedgerows, or individual freestanding trees measuring six (6) inches or greater in diameter at breast height (DBH) shall be removed unless such removal is demonstrated to be necessary to accommodate the proposed development.

2. Under no circumstances shall more than fifty percent (50%) of any existing tree mass, tree line, hedgerow, or group of freestanding trees with a diameter of six (6) inches or greater DBH be removed as part of the development.

3. For the purposes of this section, woodland shall mean a tree mass or plant community in which tree species are dominant or co-dominant and where the branches and leaves of

adjacent trees form a complete or nearly complete overhead canopy. Any area, grove, or stand of mature or predominantly mature trees measuring six (6) inches or greater DBH that covers an area of at least one quarter (0.25) acre, or that contains more than fifty (50) individual trees of six (6) inches or greater DBH, shall be considered a woodland.

P. Threatened and Endangered Species.

1. PNDI: A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for conditional use/special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the Township.

2. Compliance: The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

Q. Environmental Impact Assessment

1. An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with additional data and detail for the Planning Commission to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environmental and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

   (a) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.

   (b) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.

   (c) A stormwater management plan will be required consistent with any applicable local stormwater ordinance, and all Commonwealth of Pennsylvania Department of Environmental Protection regulations and requirements.

   (d) Consistency with the township and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

(e) Additional considerations. The following shall be addressed:

(1) Alternative analysis. A description of alternatives to the impacts.

(2) Adverse impacts. A statement of any adverse impacts that cannot be avoided.

(3) Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

(f) Critical impacts areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

(1) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

(2) A statement of impact upon critical areas and of adverse impacts that cannot be avoided.

(3) Environmental protection measures, procedures, and schedules to minimize damage to critical areas during and after construction.

R. Decommissioning.

1. A decommissioning plan that ensures the return of all participating properties to a useful condition, including deconstruction and removal of above- and below-surface facilities and infrastructure deemed by the Township to have no ongoing purpose, shall be provided by the applicant.

2. The decommissioning plan shall include, but not be limited to, financial assurance in the form of a bond issued by an insurance company or other surety with at least an AM Best A++ rating or equivalent, or an irrevocable letter of credit issues by a bank or other financial institution with at least an S&P rating of AAA or equivalent, but excluding cash, to be determined by the applicant. The amount of financial assurance shall not be less that the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant.

3. In no event shall the security be less than 100% of the estimated cost of decommissioning. The owner shall provide a new estimate of the cost of decommissioning every ten years thereafter and increase its security if the cost increases.

4. Middle Paxton Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to

enforce said lien.

Section 1419 – Domiciliary Care Unit

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 maximum number of unrelated persons who are eighteen (18) years of age and above who are disabled physically, mentally, emotionally, or aged, shall not exceed three (3) per dwelling unit.

C. The Use/Occupancy permit shall be renewed annually, following an inspection by the Building Code Official and Zoning Officer to assure compliance.

D. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single-family residence.

E. 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.

F. No facilities for cooking or dining shall be provided in individual rooms or suites.

G. The home must comply with all local regulations including, but not limited to, fire, health and building codes.

Section 1420 – Drive-Through Facilities for Permitted Uses

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-through 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.I.

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 1421 – ECHO Housing

A. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;

B. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;

C. The elder cottage shall only be occupied by at least one (1) person who is at least fifty-five (55) years old, or is handicapped or disabled, and is related to the occupants of the principal dwelling by blood, marriage or adoption;

D. The elder cottage shall be occupied by a maximum of two (2) people;

E. Utilities:

1. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and,

2. If on-site sewer or water systems are to be used, the applicant shall submit evidence showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;

F. A minimum of one (1) mud-free stable surface, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;

G. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;

H. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,

I. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit.

Such fee shall be based upon the cost of the annual review of the permit.

Section 1422 – Golf Courses

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 thirty (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. Wastewater 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 include a signed warning for motorists and pedestrians and any private road shall also 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 Middle Paxton Township Subdivision and Land Development Ordinance.

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 1423 – Group Day Care Homes

A. A minimum of one hundred (100) square feet of usable outdoor play space and forty (40) 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 1424 – Group Care Facility; Youth Ranch & Treatment Center

A. Any group care facility shall have a minimum of three hundred and fifty (350) square feet of habitable floor area provided for each occupant.

B. 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.

C. All group care facilities shall be connected to public water and public sanitary sewage facilities.

D. All group care facilities 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.

E. Off-street parking shall be provided for all group care facilities based upon 0.5 per occupant and one (1) parking space for each employee on the largest shift.

Section 1425 – Home Occupations

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 two (2) square feet 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 (25) percent of the total floor space of all floors and in no case shall exceed fifty (50) percent of the floor area of one floor.

9. Home occupations relying on groundwater shall not use water in greater volumes than would be expected by a single-family detached dwelling.

D. No more than one (1) home occupation may be located in any dwelling unit.

Section 1426 – Salvage Yards

A. The area used for Salvage Yard purposes shall be completely enclosed with a solid fence or wall at least eight (8) feet 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 trees and shrubbery.

B. The contents of a Salvage 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 mosquitoes, rats, and other vermin.

D. The Salvage Yard shall not be located within five hundred (500) feet 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 Salvage Yard shall be required to obtain an annual permit from the Township for continued use.

Section 1427 – Kennels

Kennels shall be permitted as a special exception 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 (1) for each employee.

C. All areas used for exercise shall be securely fenced.

D. 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.

E. Animals shall be permitted to exercise daily between the hours of 8:00 A.M. – 8:00 P.M. All outdoor exercise areas shall be two hundred (200) feet from any property line.

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. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.

Section 1428 – Libraries

Libraries are permitted as a special exception subject to the following criteria:

A. Minimum lot area – one (1) acre

B. All off-street setback parking areas shall be set back at twenty-five (25) feet from the street right-of-way line.

C. Access Drive Requirements - See Section 1705.

D. The subject property shall have frontage along a public street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

Section 1429 – Mobile Home Parks

Mobile home parks may be permitted by special exception subject to the following requirements:

A. The minimum tract area shall be ten (10) acres.

B. Sewer and water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be not less than eight thousand five hundred (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 mobile home 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) mobile homes be less than forty (40) feet.

D. The Zoning Hearing Board shall require suitable screen planting and may restrict the proximity of mobile-homes or other improvements to adjoining properties and attach such other conditions or safeguards to the use of land for a mobile-home park as the Board may deem necessary to protect the general welfare.

E. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

F. Mobile home parks must also comply with the provisions of the Middle Paxton Township Subdivision and Land Development Ordinance.

G. At least two (2) off-street parking spaces shall be available per mobile home.

Section 1430 – Power Generation Facilities

Power generation facilities shall be permitted as a special exception subject to the requirements of the district as modified herein:

A. Power generation facilities shall be operated so that they do not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors, or other objectionable emission beyond any boundary of the site and shall be subject to and comply with the following regulations where applicable:

B. The proposed facility shall comply with all applicable federal and state environmental and regulatory permits and requirements including, but not limited to, the permits and approvals listed below. Approval would 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.

C. 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.

D. 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.

E. 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 safety requirements applicable to the types of storage stated in this subsection.

Section 1431 – Private and Semi-Public Outdoor Recreation Areas

As a special exception, private or semi-private outdoor recreation areas may be permitted 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 (30) feet 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).

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 public 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 1432 – Solar Energy Production Facilities, Large

A. Solar arrays may be located only on seventy-five (75) percent of the total Class 1 and 2 Agricultural Soils within the lot, tract, or development area, unless the area will be devoted to Agrivoltaic activities, in which case one hundred (100) percent of the Class 1 and 2 soils may be included in the lot, tract, or development area.

B. Minimum setbacks shall be in accordance with Base Zoning District Requirements.

C. If the lot or tract is adjacent to a residential lot, a minimum setback of fifty (50) feet from the property line shall be required.

D. No lot line setback will be required where there is a grouping of two or more Utility-Scale Solar developments which are held by a common owner or leased to a common lessor and which are part of a single solar energy development project, where each applicable landowner has provided a written waiver of the lot line setback.

E. A minimum of a fifty (50) foot buffer shall be maintained along either side of any regulated stream or regulatory wetland.

Section 1433 – Tattoo Parlors

A. All licensing, as required by the Commonwealth of Pennsylvania, shall remain current and shall be submitted for Township record.

B. Proof of all PA and/or County Department of Health requirements shall be maintained as current and shall be submitted for Township record.

Section 1434 – Riding Academy or Boarding Stable Criteria

A. No more than 10 equine animals are kept with the exception that one additional equine animal may be kept for each additional acre of land over five acres.

B. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and shall meet the following requirements:

1. The building shall not be erected or maintained within 300 feet of any lot line and 75 feet from any public or private road.
2. The building shall not be less than 200 square feet in size for each equine animal.

C. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four-foot-high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.

D. 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.

E. All parking compounds and unimproved overflow parking areas shall be set back at least 100 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 space for each nonresident employee and one space for every two equine animals kept on the property.

Section 1435 – Schools, Public and Non-Public

Public and Non-Public Schools are permitted as special exceptions 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 one thousand (1,000) feet of a property containing an adult regulated facility (as defined herein). All off-street parking shall be set back at least twenty-five (25) feet 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 (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 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. The drop-off and pick-up lanes shall also be arranged to prevent backup onto public streets.

F. The minimum lot area for public/non-public schools will comply with the requirements of the zoning district.

G. A traffic study identifying AM and PM peak hour trips and associated necessary improvements is required.

H. The subject property shall have frontage along a public street as defined in the Middle Paxton Township Zoning Ordinance, as amended.

Section 1436 – Short-Term Rentals

A. The Applicant shall secure and maintain all the requisite licenses, permits, approvals and/or certifications necessary to operate the proposed Short-Term Rental use on the property.

B. No more than twelve (12) occupants shall stay at the property at one time.

C. No more than six (6) vehicles shall be permitted on the property at one time.

D. All applicable ordinances of Middle Paxton Township shall be complied with at all times, including but not limited to any applicable noise ordinance provisions.

E. The Applicant and the use shall comply with any and all short-term rental space provisions adopted by the Township in the future.

F. The Applicant and use shall comply with all limitations and restrictions related to the existing on-lot sewage permit and/or on-lot septic system at the Property.

G. The Applicant shall provide all renters with a written warning about the dangers associated with any railroad crossing along the private and/or public roads providing access to the Property.

H. The Applicant shall secure any and all approvals deemed necessary for the use of the private roads that provide access to the Property.

I. The Applicant shall include all of the conditions of this approval in the written rental agreement for the use of the Short-Term Rental on the Property.

J. The Applicant shall comply with any and all additional applicable regulations and/or restrictions, including those conditions imposed by the Zoning Hearing Board.

Section 1437 – Skeet, Rifle or Archery Range

A. Skeet, rifle, or archery 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 follow the Pennsylvania Game Commission shooting range regulations.

C. No hunting shall be permitted on the grounds within specified safety zones of on-site or off-site buildings and dwellings.

Section 1438 – Special Event Venues

A. All applications for special exceptions for special event venues 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 event venue.

C. Special event functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.

D. A special event venue shall obtain a state highway occupancy permit or a Township driveway permit, as appropriate.

E. Catered food service from a licensed facility is permitted without additional licensing requirements.

F. A special event venue must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as applicable under this Ordinance or as stipulated by the Zoning Hearing Board.

G. A special event venue 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. A Circulation and Safety Plan shall be submitted for Township review and approval.

J. The use of a residential dwelling for a special event venue utilizing an on-site sewage disposal system must be approved by the Township's Sewage Enforcement Officer and the system upgraded if necessary.

K. A traffic impact study shall be prepared if deemed necessary by the Board of Supervisors.

L. For sign requirements, see Article 16.

M. For parking requirements, see Article 17.

N. The source of water to be used by the Event shall be a potable water source as certified by a test laboratory and tested annually.
The use shall comply with all applicable laws.

Section 1439 – (Reserved)

Section 1440 – Vehicle Repair and Service Shops

A. Minimum Setbacks from Street Right-of-Way Lines:

1. Building: fifty (50) feet

2. Canopies: twenty (20) feet

B. Driveways shall be located as provided in this Ordinance.

C. All service equipment shall be set back not less than twenty-five (25) feet 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 (40) feet;

2. Side lot line offset: ten (10) feet;

3. Minimum width: twelve (12) feet;

4. Maximum width: thirty-five (35) feet;

5. Minimum separation of drives on same lot: twenty-five (25) feet.

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 (8) inches 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 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. The outdoor storage of unlicensed vehicles is prohibited.

L. All vehicles shall be serviced and removed from the premises within thirty (30) days.

M. The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.

N. One kiosk is permitted on the gasoline service island, no larger than ten (10) feet by ten (10) feet and within the pump setbacks.

O. All service and/or repair activities shall be conducted within a wholly enclosed building.

P. 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.

Q. All exterior vehicle storage areas shall be screened from adjoining residentially zoned or residentially used lots and roads.

R. The storage of unlicensed vehicles for more than thirty (30) days is prohibited.

S. 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.

Section 1441 – Conditional Uses

A. Filing of Conditional Use. For any use that may be permitted by conditional use, approval 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 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 conditional use.

(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 shall follow all county, state, and federal regulations as applicable.

5. The proposed use will not affect a change in character of the subject property's neighborhood.

6. 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.)

7. For development within the Floodplain, that the application complies with those requirements listed in the Township's Floodplain Ordinance (Ordinance #91) and the necessity of the development to be located in the floodplain.

8. The proposed use shall comply with those criteria specifically listed for that use in this Article and Section. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

9. The proposed use shall not impair the integrity of the Township's Comprehensive Plan.

10. The parking, traffic, and pedestrian access shall be in conformance with those specified in Article 17 and elsewhere in this Ordinance.

11. The proposed use is compatible with the existing traffic conditions and adjacent uses.

12. Screening, landscaping, and slope are sufficient to prevent negative impact upon surrounding uses and shall comply with Articles 11 and 13.

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

14. Operations in connection with a conditional use shall not be more objectionable to nearby properties than would be the operations of a permitted use.

15. 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 1441.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. Cemeteries

Cemeteries are permitted by right in the A-RR District and may be established upon conditional use approval by the Board of Supervisors in the R-1 District, subject to the criteria stated below.

(a) All burial plots and facilities shall be located at least one hundred (100) feet from all property lines.

(b) Assurances shall be provided that water supplies of surrounding properties will not be contaminated by burial activity within the cemetery.

(c) No burial plots or facilities shall be permitted within the Floodplain (FP) District, as identified in Article 12 of this Ordinance.

(d) A cemetery shall not include a crematory, as defined herein.

2. Commercial Wind Energy Facilities

Commercial Wind Energy Facilities may be established upon approval of the Board of Supervisors subject to the following criteria:

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

(b) Conditional Use Requirements

(1) 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.

(2) 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.

(3) 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.

(4) Documentation shall also be provided demonstrating compliance with the subsections herein related to Use of Public Roads, Local Emergency Services, Utility Access Drives, and Noise and Shadow Flicker.

(c) 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). In addition to SALDO Section 306, 307 and 308 requirements, the following information shall be submitted to the Township:

(1) 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 heights or range of heights of Wind Turbines to be constructed including their regenerating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.

(2) 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.

(3) Identification of the properties on which the proposed Commercial Wind Energy Facility will be located and the properties adjacent to where the Wind Energy Facility will be located.

(4) 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 building and structures including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries' applicable setback.

(5) Documents relating to decommissioning.

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

(d) Design and Installation

(1) 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.

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

(3) Control 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 protecting.

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

(5) Visual Appearance & Power Lines.

a. Wind Turbines shall be a 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.

(6) Warnings.

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

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

(7) 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.

(8) Distance between Turbines. Distance between Wind Turbines shall be the minimum distance allowed by the Wind Turbine manufacturer.

(e) Setbacks.

(1) Occupied Buildings. Wind Turbines shall be set back from the nearest Occupied Building on participating and non-participating landowner's property a distance of one and a half (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.

(2) Property Lines. All Wind Turbines shall be set back from the nearest property line a distance of not less than one and a half (1.5) times the Turbine Height.

(3) Public Roads. All Wind Turbines shall be set back from the nearest public road a distance of not less than one and a half (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.

(4) Wetlands. All Wind Turbines shall be set back a distance of two hundred (200) feet from any wetlands with a contiguous area of one (1) acre within Middle Paxton Township.

(5) Exemption. Commercial 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.

(f) Use of Public Roads

(1) 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.

(2) The Township engineer or a qualified third (3rd) 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.

(3) 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 Applicants / Owner-Operator's expense.

(g) Utility Access Drives. The utility access drives shall comply with the Sub- Division and Land Development Ordinance of Middle Paxton Township.

(h) Local Emergency Services.

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

(2) 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.

(i) Noise and Shadow Flicker

(1) Audible sound from a Commercial 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) decibels for any measurable period of time when measured at the property boundary of any non-participating landowner properties.

(2) The Facility Owner / Operator shall site the Wind Turbine to prohibit shadow or reflective flicker to any occupied building on non-participating landowner's property.

(3) Waiver of Noise and Shadow Flicker

a. Property owners may waiver 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 Commercial Wind Energy Facility to not comply with the sound or flicker limited in this subsection.

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 purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

(j) Signal Interference

(1) 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.

(2) 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 personnel communications systems would produce electromagnetic interference with signal transmission or reception.

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

(k) Liability Insurance. Middle Paxton Township shall be named as Certificate holder

with a thirty (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 two million (2,000,000) dollars per occurrence and two million (2,000,000) dollars in the aggregate and three million (3,000,000) dollars in an excess or umbrella policy. Certificates shall be delivered to 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.

(l) Decommissioning

(1) The Facility Owner and/or 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.

(2) Decommissioning shall include removal of Wind Turbine, building, cabling, electrical components, roads, foundations to the depth of thirty-six (36) inches, and any other associated facilities or structures.

(3) 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 Conservation District.

(4) 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 Section 1441.D.2.(l)(3) above. Said estimate shall be submitted to the Middle Paxton Township Board of Supervisors after the first (1st) year of operation and every fifth (5th) year thereafter.

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

(6) The 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.

(7) 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.

(8) 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.

(9) 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.

(m) Facility Contact and Maintenance Response

(1) 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 twenty-four (24) hours per day, seven (7) days week throughout the life of the Project Facility.

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

(3) If the problem has not been corrected with ten (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.

3. Natural Production Uses

Quarries and mines for the extraction of stone and minerals may be established upon approval by the Board of Supervisors subject to the following criteria:

(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.

(6) The name of the owner of the affected area and total acreage, and the names and addresses of adjacent landowners.

(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 Board of Supervisors.

(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 Board of Supervisors. If such use 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) 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.

(f) 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 Board of Supervisors 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.

(g) The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.

(h) Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

(i) 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.

(j) 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.

(k) The facility shall front upon, and gain access from, a public street.

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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 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.

(r) At the time of application, 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.

(s) At the time of application, 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.

(t) 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.

(u) 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 approved 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.

(v) 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.

(w) No structures or parking areas shall be located closer than one hundred (100) feet to any property line.

(x) Waste products 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.

(y) 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.

4. Places of Assembly

Places of assembly may be established upon approval of the Board of Supervisors subject to the following criteria:

(a) Submission and approval of a land development plan and traffic impact study per the requirements established in the Township's Subdivision and Land Development Ordinance.

(b) All activity at the place of assembly is subject to the performance standards specified in Section 1300 of this Ordinance.

(c) Primary or adjunct uses that are not enclosed shall be limited to operating from dawn to dusk; exceptions may be made for organized activities that are held in outdoor areas with approved lighting.

(d) Buffering of any adjunct or accessory use within the boundary of the site shall not be required; however, landscaping shall be used to delineate the boundaries of the site from adjacent uses in separate ownership, and all landscaping required within parking areas shall be provided.

(e) All signs, other than directional signage, shall be located on site. The use of temporary event signage must be approved by the Zoning Officer.

(f) Any requests for on-site signage beyond that which identifies the primary use of the site or any that is approved as part of the land development plan shall be considered for approval at the sole discretion of the Board of Supervisors. Such consideration may include a review of size, location, material, and illumination.

(a) 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.

(b) Site Plan Approval. Any site plan presented in support of the conditional use pursuant to Section 1441 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.

(c) 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 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 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 recession 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 this subsection. 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 subsection, 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.

5. Public Utility Buildings and Structures

Public Utility Buildings and Structures may be established upon the approval of the Board of Supervisors subject to the following criteria:

(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.

6. Recreational Vehicle Camp

A recreational vehicle camp may be established upon approval of the Board of Supervisors subject to the following criteria:

(a) No camper, trailer, or recreational vehicle may be placed permanently on the site.

(b) On-site administration and security must be provided.

(c) Landscape screening must be provided to screen the campground from adjacent noncompatible uses as defined by the Board of Supervisors.

(d) A plan which identifies the original vegetative cover to remain shall be approved by the Board of Supervisors.

(e) Access must be provided from a collector or arterial street, as defined herein.

(f) Appropriate fire prevention measures must be provided.

(g) Solid waste disposal must be provided.

(h) All recreational facilities on-site are subject to approval by the Board of Supervisors.

7. Solid Waste Processing and/or Disposal Facilities

Facilities for the disposal of municipal or residual solid waste may be established upon approval of the Board of Supervisors subject to the following criteria:

(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 Board of Supervisors.

(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 Board of Supervisors. If such use 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) 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.

(f) 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 Board of Supervisors 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 forth the conclusions and recommendations of the professional.

(g) 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.

(h) Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

(i) Sufficiently long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.

(j) All driveways into 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.

(k) The facility shall front upon, and gain access from, a rural public street as defined in

the Middle Paxton Township Zoning Ordinance, as amended.

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) Operating schedule shall be provided by the applicant and subject to review.

(q) 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.

(r) All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area.

(s) 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.

(t) No structures or parking areas shall be located closer than three hundred (300) feet to any property line.

(u) 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.

(v) 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.

ARTICLE 15.
Nonconforming Uses and Buildings

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 Nonconforming 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. 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 natural disaster, etc., may be rebuilt and used for the same purposes provided that:

   1. The reconstruction of the building is commenced within 18 months 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 – Expansions, or 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 or enlarge. All expansions and enlargements of lawful nonconforming uses and buildings shall be reviewed by the Zoning Officer in accordance with the following standards:

A. Any expansion or enlargement of a nonconforming building or use shall be permitted only once.

B. Any expansion or enlargement of a nonconforming building or use shall not exceed fifty (50) percent of the total gross floor area of the nonconforming building.

C. Any 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 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. Any expansion or enlargement of a nonconforming use requires submission and approval of a land or site development plan for non-residential uses.

G. All commercial nonconforming users will be referred to the Zoning Hearing Board for their review and approval.

H. The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc.) shall not be increased.

Section 1504 – Change of Use and Substitution

A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use, as determined by the Zoning Officer.

B. 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 unless in compliance with the rules for such change as outlined by this Article.

C. A nonconforming use may be changed to another nonconforming use only by the granting of a Special Exception by the Zoning Hearing Board in compliance with this Ordinance. Where a Special Exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:

1. Traffic safety and generation (especially truck traffic)

2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards

3. Amount and character of outdoor storage

4. Late night and early morning hours of operation if the new use would be close to dwellings

5. Compatibility with the character of surrounding uses

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 must conform with the provisions of this Ordinance.

C. Mobile home parks, trailer camps or trailer parks which are nonconforming under the terms of this Ordinance shall be operated in accordance with 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 property and/or building used for a 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.

ARTICLE 16.
Signs

Section 1600 – Applicability

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

Section 1601 – Purpose & Intent

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within Middle Paxton Township to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

A. Setting standards and providing uniform, scientifically based controls that permit reasonable use of signs and preserve the character of Middle Paxton Township.

B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.

C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.

D. Establishing a process for the review and approval of sign permit applications.

E. *Optional:* Ensuring sign design that builds on the traditional town image and visual environment Middle Paxton Township seeks to promote.

Section 1602 – Prohibited Signs

The following signs are unlawful and prohibited:

A. Abandoned signs.

B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.

C. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

D. Mechanical movement signs, including revolving signs.

E. Pennant strings and streamers.

F. Animated signs, flashing signs, or signs that scroll or flash text or graphics.

G. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-

commercial situations.

H. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.

I. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

J. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

K. Reflective signs or signs containing mirrors.

L. Interactive signs.

M. Signs incorporating beacon or festoon lighting.

N. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.

O. Roof signs.

P. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

Q. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Middle Paxton Township Zoning Ordinance.

R. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by Middle Paxton Township.

S. Any sign that promotes illegal activity.

Section 1603 – Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

A. Official traffic signs.

B. Government / regulatory signs.

C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.

D. Holiday and seasonal decorations.

E. Personal expression signs of any sign type, including flags, provided that they do not exceed three (3) square feet in area per side, are non-commercial in nature, and not illuminated.

F. Address signs: Up to two (2) signs stating address, number and/or name of occupants of the

premises and do not include any commercial advertising or other identification.

1. *Residential districts.* Signs not to exceed three (3) square feet in area.

2. *Non-residential districts.* Signs not to exceed five (5) square feet in area.

G. Public signs: Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.

H. Signs or emblems of a religious, civil, philanthropic, historical, or educational organization that do not exceed four (4) square feet in area.

I. Private drive signs: One (1) sign per driveway entrance, not to exceed two (2) square feet in area.

J. Security and warning signs: These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.

1. *Residential districts*. Signs not to exceed two (2) square feet in area.

2. *Non-residential districts*. Maximum of one (1) large sign per property, not to exceed five (5) square feet in area. All other posted security and warning signs may not exceed two (2) square feet in area.

K. Flags:

1. *Location.* Flags and flagpoles shall not be located within any right-of-way.

2. *Height.* Flags shall have a maximum height of thirty-five (35) feet.

3. *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.

4. *Size.* Maximum flag size is twenty-four (24) square feet in residential districts, thirty-five (35) square feet in all other districts.

5. Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.

6. Flags up to three (3) square feet in area containing noncommercial messages are considered personal expression signs and are regulated in accordance with §1603.E.

L. Legal notices.

M. Vending machine signs.

N. Memorial signs, public monument or historical identification sign erected by Middle Paxton Township, including plaque signs up to three (3) square feet in area.

O. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

P. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

Q. Incidental signs, including incidental window signs.

R. Directional signs, provided they do not contain any commercial messaging.

1. *Area*. No single directional sign shall exceed four (4) square feet in area.

2. *Height.* Directional signs shall have a maximum height of five (5) feet.

3. *Illumination.* Directional signs shall be non-illuminated.

S. Art and murals, provided such signs do not contain any commercial messaging.

T. Temporary signs in accordance with §1608 – Regulations by Sign Type: Temporary Signs.

Section 1604 – General Regulations

A. Sign location.

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

2. No sign may occupy a sight triangle.

3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

4. No sign shall be placed in or extending into a public right of way, or over, or in, or into any sidewalk, except those owned or operated by a duly constituted government.

B. Sign Materials & Construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

3. Signs may be double-sided.

a. On-premises signs.

i. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two (2) faces are not more than eighteen (18) inches apart.

ii. Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two (2) faces are not more than eighteen (18) inches apart, the larger sign face shall be used as the basis for calculating sign area.

iii. When the interior angle formed by the faces is greater than forty-five (45) degrees, or the faces are greater than eighteen (18) inches apart, all sides of such sign shall be considered in calculating the sign area.

b. Off-premises signs.

i. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two (2) faces are not more than five (5) feet apart.

ii. Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two (2) faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.

iii. When the interior angle formed by the faces is greater than forty-five (45) degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.

4. Signs that consist of, or have attached to them, one (1) or more three (3)-dimensional or irregularly- shaped objects, shall have a sign area of the sum of two (2) adjacent vertical sign faces of the smallest cube encompassing the sign or object.

5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

6. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located (see §1611 – 1615).

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than one hundred (100) feet from a public street, height shall be measured to the mean grade at the base of the sign.

2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

3. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located (see §1611 – 1615).

E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

F. Sign Illumination.

1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:

a. *Location.* The summary table below (§1604.F.7) provides detailed information about what types of illumination are permitted in each zoning district.

b. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

c. No more than two hundredths (0.2) foot-candles of light shall be detectable at the boundary of any abutting property.

d. *Hours of Operation:*

i. Signs on non-residential properties may be illuminated from 5:00 A.M. until 11:00 P.M., or one-half (½) hour past the close of business of the facility being identified or advertised, whichever is later.

ii. Signs shall provide an automatic timer to comply with the intent of this Section.

e. *Brightness:* Message center signs and digital displays are subject to the following brightness limits:

i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.

ii. At all other times, luminance shall be no greater than two hundred and fifty (250) nits.

iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

f. *Message Duration*: The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-Vision Board signs. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.

i. Multiply the road's posted speed limit (MPH) by five thousand two hundred and eighty (5,280), and then divide by three thousand six hundred (3,600) to obtain the speed limit in feet/second.

ii. Divide the visibility distance by the speed limit (feet/second).

iii. Add an additional ten (10) percent of this number to the total.

iv. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8) seconds.

2. Types of Illumination: Where permitted, illumination may be:

a. *External*: Externally illuminated signs, where permitted, are subject to the following regulations:

i. The source of the light must be concealed by translucent covers.

ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.

b. *Internal*: Internally illuminated signs, where permitted, are subject to the following regulations:

i. Internal illumination, including neon lighting, must be static in intensity and color.

ii. Message center signs are permitted in accordance with the regulations contained in §1604.F.3.

iii. Digital displays are permitted in accordance with the regulations contained in §1604.F.4.

3. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.

a. *Sign Type*: Message center signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in §1605 – 1606.

b. *Height*: A message center sign shall have the same height limits as other permitted signs of the same type and location.

c. *Area*:

i. When used as an on-premises sign, message center signs shall not exceed fifty (50) percent of the sign area for any one sign, and shall not exceed more than thirty (30) percent of the total area for all signs permitted on a property.

ii. When used as an off-premises sign, message center signs may be used for the full permitted sign area.

d. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.

e. *Message Display:*

i. No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one (1) screen.

ii. The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).

iii. *Default Design*: The sign shall contain a default design which shall freeze the sign message in one (1) position if a malfunction should occur.

f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to §1617 – Permits & Applications.

g. The addition of any message center sign to a nonconforming sign is prohibited.

h. *Public Service Announcements*: The owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

4. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

a. *Sign Type*: Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in §1605 – 1606.

b. *Height:* A digital display shall have the same height limits as for other permitted signs of the same type and location.

c. *Area*:

i. When used as an on-premises sign, digital displays shall not exceed more than thirty (30) percent of the total sign area permitted on the site.

ii. When used as an off-premises sign, digital displays may be used for the full permitted sign area.

d. *Maximum Number per Property:* Where permitted, one (1) digital display sign is permitted per property.

e. *Message Display:*

i. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one (1) screen.

ii. One (1) message / display may be brighter than another, but each individual message / display must be static in intensity.

iii. The content of a digital display must transition by changing instantly, with no

transition graphics (e.g., no fade-out or fade-in).

iv. *Default Design*: The sign shall contain a default design which shall freeze the sign message in one (1) position if a malfunction should occur.

f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to §1617 – Permits & Applications.

g. The addition of any digital display to a nonconforming sign is prohibited.

h. *Public Service Announcements*: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

5. Electrical Standards.

a. Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.

b. All work shall be completed in full compliance with the Middle Paxton Township Electrical Code as set forth in the PA Uniform Construction Code.

c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

d. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to Middle Paxton Township as a condition precedent to the issuance of a sign permit.

6. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

7. Illumination Standards by District. (see next page)

District	Illumination Type				Brightness Limitation for Digital Displays and Message Center Signs	Hours of Illumination	Motion Limitation	Size Limitation	
	Internal	Message Center Sign	External	Digital Display			Digital Displays and Message Center Signs	Digital Display Signs as a Max % of Total Sign Area on Site	Message Center Signs as a Max % of Sign Area
Agricultural (A.R.R)	N	N	N^^	N	N/A	N/A	N/A	N/A	N/A
Residential (R-1, R2, R-3, N.R)	N	N	Y	N	N/A	N/A	Determined by visibility. See §1609.F.4.c	N/A	50%
Mixed Use (MX)	N	N	Y	N	N/A	5:00 A.M. - 11:00 P.M. or 1/2 hour past close of business	N/A	N/A	N/A
Commercial & Industrial	Y	Y	Y	Y	Daytime: 5,000 Nits Nighttime: 250 Nits	5:00 A.M. - 11:00 P.M. or 1/2 hour past close of business	Determined by visibility. See §1604.F.4.c	30%	50%
Off-Premises*	Y	Y	Y	Y	Daytime: 5,000 Nits Nighttime: 250 Nits	5:00 A.M. - 11:00 P.M. or 1/2 hour past close of business	Determined by visibility. See §1605.F.4.c	100%	100%
Temporary Signs*	N	N	N	N	N/A	N/A	N/A	N/A	N/A
Portable Signs*	N	N	N	N	N/A	N/A	N/A	N/A	N/A

*Off-premises, temporary, and portable signs are subject to the illumination regulations governing off-premises, temporary and portable signs, rather than the illumination standards governing the specific district where the sign is located

^ Excludes marquee signs

^^Excludes signs located in Parks or Recreational Facilities

^^^Excludes scoreboards located in Parks or Recreational Facilities

Section 1605 – Regulations by Sign Type: On-Premises Signs

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight (8)-foot height requirement need not be met.

B. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.

2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.

3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.

4. Sign Placement.

   a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.

   b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three (3) square feet. No more than one emblem or logo is permitted on any one awning or canopy.

5. Sign Height.

   a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.

6. Any ground-floor awning projecting into a street right-of-way must be retractable.

7. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.

8. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.

2. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.

3. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Window Signs.

1. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.

2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side there- of.

3. No marquee shall extend closer to the curb than three (3) feet.

4. Sign Height.

a. No portion of a marquee sign shall extend vertically above the eaveline.

b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs.

1. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.

2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.

3. Sign Placement.

a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for official traffic signs and government / regulatory signs.

b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway.

c. Open flames used to attract public attention to a place of the right-of-way or other areas required to remain unobstructed.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

Section 1606 – Regulations by Sign Type: Off-Premises Signs

A. Locations Permitted.

1. Off-premises signs are permitted in the following locations: (IN ALL DISTRICTS)

a. ALL ZONES, EXCEPT RESIDENTIAL – BY S.E.

B. Sign Size: An off-premises advertising sign is subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces.

	Posted Speed Limit (MPH)				
	≤ 35	36-45	46-55	56-65	Limited Access
Maximum Sign Area (sq. ft.)	60	100	150	200	300

C. Height and Location of Sign.

1. The lowest edge of an off-premises sign shall be at least seven (7) feet above the finished grade.

2. Off-premises signs shall have a maximum height of thirty (30) feet.

D. Spacing: Off-premises signs shall be:

1. Set back from the ultimate right of way a distance equal to the height of the off-premises sign or fifteen (15) feet, whichever is greater.

2. Located no closer than twenty-five (25) feet from any property line.

3. Located no closer than fifty (50) feet from any building, structure, or on-premises sign located on the same property.

4. Located no closer than one thousand five hundred (1,500) feet from another off-premises sign on either side of the road measured linearly.

5. Located no closer than five hundred (500) feet from any intersection, or interchange (on/off-ramp).

6. Located no closer than one thousand (1,000) feet from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.

7. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.

8. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.

9. Not located on a bridge.

E. Number of Signs per Lot: There shall be no more than one (1) off-premises sign per lot. Vertically or horizontally stacked signs shall not be permitted.

F. Content: Off-premises signs shall not display any message or graphic of an obscene or pornographic nature as determined by Middle Paxton Township.

G. Double-Sided Off-Premises Signs: Signs may be single or double-sided, in accordance with §1605.C. Sign Area.

H. Message Sequencing: Message sequencing is prohibited.

I. Construction and Maintenance.

1. All plans for off-premises signs shall be certified by a licensed engineer registered in Pennsylvania.

2. All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.

3. The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by Middle Paxton Township.

4. Every three (3) years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to Middle Paxton Township a certificate certifying that the billboard is structurally sound.

J. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.

K. Additional Regulations. All off-premises signs shall comply with any and all applicable zoning regulations of Middle Paxton Township, and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.

L. Application / Plan Requirements. Plans submitted for off-premises advertising signs shall show the following:

1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.

2. The location and species of existing trees.

3. The distance to the nearest existing off-premises advertising sign.

4. The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.

5. Site plan containing all of the applicable requirements set forth in the Middle Paxton Township zoning code, as amended.

6. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.

M. Illumination and Changeable Copy of Off-Premises Signs.

1. Off-premises signs may incorporate manual changeable copy signs.

2. Off-premises signs may be illuminated, provided that:

   a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.

   b. Light sources are not visible from any street or adjoining properties.

3. The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

   a. Message center sign

   b. Digital display

   c. External illumination

   d. Internal illumination

4. Off-premises signs may incorporate Tri-Vision Boards.

   a. The length of time each message of the Tri-Vision Board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for Tri-Vision Boards shall be calculated using the method described in §1604.F.1.f. Message Duration.

N. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

Section 1607 – Regulations by Sign Type: Limited Duration Signs

A. Limited duration signs, as defined in this Section, located on private property are subject to the regulations set forth below. Limited Duration signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

B. Size and Number.

1. Non-Residential Zones:

   a. Large Limited Durations Signs: One (1) large limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is a minimum spacing of two hundred (200) feet between the two (2) large limited duration signs.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

ii. Area: Each large limited duration sign shall have a maximum area of sixteen (16) square feet.

iii. Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.

b. Small Limited Duration Signs: In addition to the large limited duration sign(s) outlined above, one (1) small limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area, one (1) additional small sign may be permitted.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

ii. Area: Each small limited duration sign shall have a maximum area of six (6) square feet.

iii. Height: Small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

2. Residential Zones:

a. Large Limited Duration Sign: One (1) large limited duration sign is permitted per property so long as the property is greater than five (5) acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

ii. Area: Each large limited duration sign shall have a maximum area of sixteen (16) square feet.

iii. Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.

b. Small Limited Duration Sign: One (1) small limited duration sign is permitted per property.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

ii. Area: Each small limited duration sign shall have a maximum area of six (6) square feet.

iii. Height: Small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

B. Permit Requirements.

1. A permit for a limited duration sign is issued for one (1) year and may be renewed annually.

2. One (1) sign is allowed per permit. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.

3. An application for a limited duration sign permit must include:

a. A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed;

b. A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;

c. The number of signs on the site.

C. Installation and Maintenance.

1. All limited duration signs must be installed such that in the opinion of the Middle Paxton Township building official, they do not create a safety hazard.

2. All limited duration signs must be made of durable materials and shall be well-maintained.

3. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

D. Illumination: Illumination of any limited duration sign is prohibited.

E. Summary Table for Limited Duration Signs.

	Limited Duration Signs	
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. Height: Maximum 8 ft.	Number: 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. Height: Maximum 8 ft.
Small Limited Duration Signs (max area 6 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. of frontage or has > 10,000 sq. ft. of floor area. Height: Maximum 6 ft.	Number: 1 per property Height: Maximum 6 ft.

Section 1608 – Regulations by Sign Type: Temporary Signs

Temporary signs, as defined in this Section, located on private property, are exempt from standard permit requirements. Temporary signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

A. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

B. Size and Number.

1. Non-Residential Districts:

a. Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area, one (1) additional large temporary sign may be permitted so long as there is a minimum spacing of two hundred (200) feet between the two (2) large temporary signs.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

d. Banner

ii. Area:

a. Each large temporary freestanding, window, or wall sign shall have a maximum area of sixteen (16) square feet.

b. Each large temporary banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

a. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.

b. Banners shall hang at a height no greater than twenty-four (24) feet.

c. Small Temporary Signs: In addition to the large temporary sign(s) outlined above, one (1) small temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least four hundred (400) feet of street frontage or has > ten thousand (10,000) square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of two hundred (200) feet between both sets of small temporary signs.

iv. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

v. Area: Each small temporary sign shall have a maximum area of six (6) square feet.

vi. Height: Small temporary signs shall have a maximum height of six (6) feet.

2. Residential Districts:

a. Large Temporary Signs: One (1) large temporary sign is permitted per residential property so long as the property is greater than five (5) acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

d. Banner Sign

ii. Area:

a. Each large temporary freestanding, window, or wall sign shall have a maximum area of sixteen (16) square feet.

b. Each large temporary banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

a. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.

b. Banners shall hang at a height no greater than twenty-four (24) feet.

b. Small Temporary Signs: One (1) small temporary sign is permitted per residential property.

i. Type:

a. Freestanding sign

b. Window sign

c. Wall sign

ii. Area: Each small temporary sign shall have a maximum area of six (6) square feet.

iii. Height: Small temporary signs shall have a maximum height of six (6) feet.

C. Duration and Removal

1. Temporary signs may be displayed up to a maximum of thirty (30) consecutive days, two (2) times per year.

2. Middle Paxton Township or the property owner may confiscate signs installed in violation of this chapter. Neither Middle Paxton Township nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

D. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

E. Municipal Notification: Temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower right hand corner of the sign.

F. Installation and Maintenance.

1. All temporary signs must be installed such that in the opinion of Middle Paxton Township's building official, they do not create a safety hazard.

2. All temporary signs must be made of durable materials and shall be well-maintained.

3. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

G. Illumination: Illumination of any temporary sign is prohibited.

Summary Table for Temporary Signs. *(see next page)*

	Temporary Signs	
	Non-Residential Districts	Residential Districts
Large Temporary Signs (max area: 32 sq. ft. for banner, 16 sq. ft. for all other signs)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 sq. ft. of floor area. Height: *Ground:* Maximum 8 ft. *Banner:* Maximum 24 ft.	Number: 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. Height: *Ground:* Maximum 8 ft. *Banner:* Maximum 24 ft.
Small Temporary Signs (max area: 6 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 sq. ft. of floor area. Height: Maximum 6 ft.	Number: 1 per property Height: Maximum 6 ft.

Section 1609 – Regulations by Sign Type: Portable Signs

A. General Provisions.

1. Illumination: Illumination of any portable sign is prohibited.

2. Hours of Display.

   a. Signs shall not be displayed on any premises before 6:00 A.M. and shall be removed each day at or before 10:00 P.M. However, all portable signs must be taken in during hours of non-operation of the business being advertised.

   b. All portable signs must be taken in during inclement weather.

B. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

1. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.

2. Area: Each sign shall have a maximum area of seven (7) square feet per sign face.

3. Height: Signs shall have a maximum height of three and one-half (3.5) feet.

4. Sign Placement.

   a. If a sign is located on a public or private sidewalk, a minimum of thirty-six (36) inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.

   b. The sign must be located on the premises, and within twelve (12) feet of the primary

public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.

c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

5. Manual Changeable Copy.

a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.

b. Commercial messages must advertise only goods and services available on the premises.

C. Vehicular Signs: Vehicular signs are subject to the regulations found in Middle Paxton Township's Vehicle Code.

Section 1610 – Regulations by Sign Type: Street Pole Banners

A. General Provisions. Street pole banner signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

1. Illumination: Illumination of any street pole banner is prohibited.

2. Area: Each street pole banner shall have a maximum area of twelve and one-half (12.5) square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.

3. Height.

a. When the street pole banner's edge is less than eighteen (18) inches from the curb, the lowest edge of the Street Pole Banner shall be at least fourteen (14) feet above the finished grade.

b. When the street pole banner's edge is greater than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.

4. Location.

a. No street pole banner shall extend beyond the curbline.

b. Street pole banners shall maintain a minimum of three (3) feet vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.

c. Street pole banners shall not interfere with the visibility of traffic signals or signs.

d. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.

5. Installation and Maintenance.

    a. All street pole banners must be made of lightweight and durable fabrics with wind slits.

    b. Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.

B. Permit Requirements

1. A permit for a street pole banner is issued for one (1) year and may be renewed annually.

2. An application for a street pole banner permit must include the following:

    a. A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.

    b. A proof of the street pole banner design, including the banner's dimensions.

    c. If brackets are to be installed, submit specifications for the bracket installation system.

Section 1611 – Signs in Agricultural District

In addition to the exempt signs described in §1603 – Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the [insert names of applicable Agricultural/Rural/Open Space districts], subject to the conditions specified here and in §1606 – 1609.

A. Any limited duration sign as defined and regulated in §1607 – Regulations by Sign Type: Limited Duration Signs.

B. Any temporary sign as defined and regulated in §1608 – Regulations by Sign Type: Temporary Signs.

C. Signs associated with a residential use or parcel within an agricultural/rural zone shall comply with §1612 – Signs in Residential Districts.

D. Parks and Open Space.

1. Freestanding signs shall be permitted subject to the following regulations.

    a. Number: One (1) sign per street access to a park or open space facility.

    b. Area: Each sign shall have a maximum area of twenty-four (24) square feet per sign face.

    c. Height: Signs shall have a maximum height of ten (10) feet.

    d. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

        i. External illumination

2. Signs located on the interior of the site used to identify various use areas, facility boundaries,

on-site traffic direction, trail use information, the hours, and rules for the use of the grounds, etc. are exempt from permit requirements subject to the following:

a. Area: Each sign shall have a maximum area of ten (10) square feet.

b. Height: Signs shall have a maximum height of eight (8) feet.

c. Illumination: These signs shall be non-illuminated.

3. Signs for recreation and sporting facilities shall be allowed provided that the following criteria is met:

a. Signs on the interior walls or fence of an open stadium or field shall be no greater than twenty-four (24) square feet in size and shall be designed to be viewed from the inside of the stadium only, and non-illuminated.

b. One (1) freestanding scoreboard, not to exceed two hundred (200) square feet in area and twenty (20) feet in height, is permitted per playing field.

i. Commercial messages shall not exceed thirty (30) percent of the front face of the scoreboard.

ii. The face of all scoreboards, including any attached commercial signs and panels, shall be permanently oriented toward the recreation and spectator area.

iii. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

a. Internal illumination

b. External illumination

c. Message center sign

E. Digital display (not to exceed thirty (30) percent of the total scoreboard area)

F. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign at each street access, up to a maximum of two (2) signs per lot.

2. Area: Each sign shall have a maximum area of thirty-two (32) square feet per sign face.

3. Height: Signs shall have a maximum height of six (6) feet.

4. Illumination: These signs shall be non-illuminated.

G. Wall and projecting signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per tenant per building frontage up to a maximum of two (2) signs per tenant.

2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.

3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second (2nd) story window sill, whichever is lower.

4. Illumination: These signs shall be non-illuminated.

H. Window signs for non-residential uses shall be permitted subject to the following regulations.

1. Area: A maximum of fifteen (15) percent of the total window area of any single building frontage may be used for signs.

2. Illumination: These signs shall be non-illuminated.

I. Off-premises signs [where/if permitted], are subject to the regulations found in §1605 – Regulations by Sign Type: Off-Premises Signs.

Summary Table for Signs in Agricultural District.

	Agricultural District		
	Wall and Projecting	Window	Freestanding
Maximum Number	Non-Residential Uses: 1 per tenant per building frontage, up to a maximum of 2 signs per tenant	N/A	Parks and Open Space: 1 per street access plus 1 freestanding scoreboard per playing field Non-Residential Uses: 1 per street access up to a maximum of 2 signs per lot
Maximum Area (sq. ft.)	Parks and Open Space: Signs on the interior walls or fence of an open stadium: 24 sq. ft. Non-Residential Uses: 20 sq. ft.	Non-Residential Uses: 15% of total window area	Parks and Open Space: 24 sq. ft. (entrance), 200 sq. ft. (scoreboard), 10 sq. ft. (signs interior to the site) Non-Residential Uses: 32 sq. ft.
Maximum Height	Non-Residential Uses: The eaveline or the bottom of the second story window sill, whichever is lower.	N/A	Parks and Open Space: 10 ft. (entrance), 20 ft. (scoreboard), 8 ft. (signs interior to the site) Non-Residential Uses: 6 ft.

Section 1612 – Signs in Residential Districts

In addition to the exempt signs described in §1603 – Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the [insert names of applicable residential districts], subject to the conditions specified here and in §1605 – 1610.

A. Any limited duration sign as defined and regulated in §1607 – Regulations by Sign Type: Limited Duration Signs.

B. Any temporary sign as defined and regulated in §1608 – Regulations by Sign Type: Temporary

Signs.

C. Home Occupations.

1. One (1) freestanding sign shall be permitted subject to the following regulations.

   a. Area: Each sign shall have a maximum area of six (6) square feet per sign face.

   b. Height: Signs shall have a maximum height of six (6) feet.

   c. Illumination: These signs shall be non-illuminated.

2. One (1) wall or projecting sign shall be permitted, up to two (2) square feet in area.

   a. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second (2nd) story window sill, whichever is lower.

   b. Illumination: These signs shall be non-illuminated.

D. Freestanding signs for residential developments or apartment buildings containing more than ten (10) units shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage.

2. Area: Each sign shall have a maximum area of fifteen (15) square feet per sign face.

3. Height: Signs shall have a maximum height of eight (8) feet.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

   a. External illumination

E. Summary Table for Signs in Residential Districts.

	Residential Districts	
	Wall and Projecting	Freestanding
Maximum Number	Home Occupations: 1 per lot	Home Occupations: 1 per lot Residential Developments: 1 per lot
Maximum Area (sq. ft.)	Home Occupations: 2 sq. ft.	Home Occupations: 6 sq. ft. Residential Developments: 15 sq. ft.
Maximum Height	The eaveline or the bottom of the second story window sill, whichever is lower.	Home Occupations: 6 ft. Residential Developments: 8 ft.

Section 1613 – (Reserved)

Section 1614 – Signs in Mixed Use Districts

In addition to the exempt signs described in §1603 – Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the [insert names of applicable Mixed Use districts], subject to the conditions specified here and in §1605 – 1610.

A. Any sign permitted in residential districts, for appropriate uses, as defined and regulated in §1612 – Signs in Residential Districts.

B. Any portable sign as defined and regulated in §1609 – Regulations by Sign Type: Portable Signs.

C. Any street pole banner as defined and regulated in §1610 – Regulations by Sign Type: Street Pole Banners.

D. The total area of all wall, awning / canopy, and projecting signs shall be limited to one and one-half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.

E. Wall signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per tenant per street frontage, up to two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, a second (2nd) sign is permitted to face the parking lot.

2. Area: Each sign shall have a maximum area of twelve (12) square feet per sign face.

3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second (2nd) story window sill, whichever is lower.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

a. External illumination, lit from above

b. Halo illumination or back-lit letters

F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second (2nd) story window sill, whichever is lower.

2. Illumination: These signs shall be non-illuminated.

G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one (1) or more commercial tenants without a ground floor entrance.

2. Area: Each sign shall have a maximum area of ten (10) square feet per sign face.

3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second (2nd) story window sill, whichever is lower.

4. Illumination: These signs shall be non-illuminated.

H. Window signs for non-residential uses shall be permitted subject to the following regulations.

1. Area: A maximum of fifteen (15) percent of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window.

2. Illumination: These signs shall be non-illuminated.

I. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.

2. Area: Each sign shall have a maximum area of fifteen (15) square feet, plus an additional five (5) square feet per tenant, up to a maximum of thirty (30) square feet.

3. Height: Freestanding signs shall have a maximum height of ten (10) feet.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §6.F. Sign Illumination.

a. External illumination.

Summary Table for Signs in Mixed Use Districts.

<table>
<tr><th></th><th colspan="4">Mixed Use Districts</th></tr>
<tr><th></th><th>Wall and Awning/Canopy</th><th>Projecting</th><th>Window</th><th>Freestanding</th></tr>
<tr><td>Maximum Number</td><td>Wall: 1 per tenant per street frontage (up to 2 per tenant)
Awning/Canopy: N/A
(See §7)</td><td>1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance</td><td>N/A</td><td>1 per street frontage, up to 2 per lot</td></tr>
<tr><td>Maximum Area (Total)</td><td colspan="2">1.5 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type</td><td>N/A</td><td>N/A</td></tr>
<tr><td>Maximum Area (Individual)</td><td>Wall: 12 sq. ft.
Awning/Canopy: N/A
(See §7)</td><td>10 sq. ft.</td><td>15% total window area (permanent signs);
25% total window area (all signs)</td><td>15 sq. ft. plus 5 sq. ft. per additional tenant up to 30 sq. ft.</td></tr>
<tr><td>Maximum Height</td><td colspan="2">The eaveline</td><td>N/A</td><td>10 ft.</td></tr>
</table>

Section 1615 – Signs in Commercial and Industrial Districts

Except as noted below, the following numbers and types of signs may be erected in any industrial district or the [insert names of the applicable commercial zoning districts] subject to the conditions specified here and in §1605 – 1610.

A. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in §1613 – Signs in Residential Districts.

B. Any portable sign as defined and regulated in §1609 – Regulations by Sign Type: Portable Signs.

C. Any street pole banner as defined and regulated in §1610 – Regulations by Sign Type: Street Pole Banners.

D. The total area of all wall, awning/canopy, and projecting signs for non-residential uses shall be limited to one and one-half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.

E. Wall signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a (2nd) second sign is permitted to face the parking lot.

2. Area: Each sign shall have a maximum area of thirty-two (32) square feet per sign face.

3. Height: Signs shall have a maximum height equal to the eaveline.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

a. Internal illumination

b. External illumination, lit from above

c. Halo illumination or back-lit letters

d. Neon lighting

F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eaveline.

2. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

a. External illumination, lit from above.

G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.

2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.

3. Height: Signs shall have a maximum height equal to the eaveline.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

    a. External illumination, lit from above

    b. Neon lighting

H. Window signs for non-residential uses shall be permitted subject to the following regulations.

1. Area: A maximum of twenty-five (25) percent of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of thirty-five (35) percent of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.

2. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

    a. Neon lighting

I. Marquee signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee sign per building.

2. Area: The total area of signs on a single marquee structure shall not exceed two hundred (200) square feet in area.

3. Height: Signs shall have a maximum height equal to the eaveline.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

    a. Internal illumination

    b. Message center sign

    c. Digital display

J. In addition to building signs, freestanding signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.

    a. For permitted gas stations, one (1) additional freestanding sign per street frontage shall be

permitted for the advertising of gas prices and identification of the gas station only, up to two (2) additional signs per property.

b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted for the advertising items for sale to users of the drive-through lane only.

2. Area: Each sign shall have a maximum area of fifty (50) square feet plus an additional ten (10) square feet per tenant up to a maximum of one hundred (100) square feet.

3. Height: Signs shall have a maximum height of twenty (20) feet.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

a. Internal illumination

b. Message center sign

c. Digital display

K. Upper-level building identification signs shall be permitted subject to the following regulations.

1. Number: One (1) sign per building.

2. Area: Each sign shall have a maximum area of two hundred (200) square feet.

3. Height: Signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eaveline.

4. Location: Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.

5. Illumination: The following illumination types shall be permitted subject to the regulations in §1604.F. Sign Illumination.

a. Internal illumination

L. Off-premises signs shall be permitted, subject to the regulations detailed in §1606 – Regulations by Sign Type: Off-Premises Signs.

M. Summary Table for Signs in Commercial and Industrial Districts. (*see next page*)

	Commercial and Industrial Districts					
	Wall and Awning / Canopy	Projecting	Window	Marquee	Freestanding	*Optional:* Upper-Level Building Identification
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant) Awning/ Canopy: N/A (see §1606)	1 per ground floor establishment plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per building	1 per street frontage, up to 2 per lot (additional signs allowed for gas stations and drive-thru establishments)	1 per building (≥ 3 stories high)
Maximum Area (Total)	1.5 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type		N/A	N/A	N/A	N/A
Maximum Area (Individual)	Wall: 32 sq. ft. Awning/ Canopy: N/A (see §1606)	20 sq. ft.	25% total window area (permanent signs); 35% (all signs)	200 sq. ft.	50 sq. ft. plus an additional 10 sq. ft. per tenant up to 100 sq. ft.	200 sq. ft.
Maximum Height	The eaveline		N/A	The eaveline	20 ft.	The eaveline

Section 1616 – Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.

1. Upon written notice by Middle Paxton Township, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by Middle Paxton Township to be a nuisance, or it is deemed unsafe by Middle Paxton Township, or it is unlawfully erected in violation of any of the provisions of this Article.

2. Middle Paxton Township may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, Middle Paxton Township may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within one hundred and eighty (180) days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim. Where the

owner of the property on which an abandoned sign is located fails to remove such sign in one hundred and eighty (180) days the Middle Paxton Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Middle Paxton Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

Section 1617 – Permits & Applications

A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within Middle Paxton Township without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §1603 – Signs Exempt from Permit Requirements.

B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to Middle Paxton Township:

1. Name of organization and location.

2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.

3. Contact person and contact information.

4. Description of the activities occurring on the site where the sign will be installed.

5. Description of any existing signage that will remain on the site.

6. Identification of the type of sign(s) to be erected by the applicant.

7. Site plan depicting the locations of proposed signage and existing remaining signage.

8. Two (2) copies of a plan drawn to scale depicting:

   a. Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.

   b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.

   c. Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.

   d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.

C. A permit fee, to be established from time to time by Resolution of Middle Paxton Township, shall be paid.

D. Middle Paxton Township shall have ten (10) business days from the receipt of a complete application to review the application.

E. A permit shall be issued on or before the end of the ten (10) business day review period if the application for a new sign or renewal complies with the regulations contained herein.

F. If Middle Paxton Township does not issue a determination within the ten (10) business day period, the sign permit is deemed approved.

G. An application for a sign permit may be denied by Middle Paxton Township within the ten (10) business day review period if the application fails to comply with the standards contained herein. Middle Paxton Township shall inform the applicant of the reasons for denying the application for sign permit by certified mail.

H. Upon denial of an application for a sign permit, the applicant has thirty (30) business days to revise and resubmit the application for review by Middle Paxton Township. In the alternative, the applicant may also appeal the decision of Middle Paxton Township to the governing body within the thirty (30) business day time period. Middle Paxton Township at its next regularly scheduled meeting, shall review Middle Paxton Township's denial of the application.

I. With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (*i.e.,* repairs that cost more than fifty (50) percent of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

J. All illuminated signs shall require certification in order to demonstrate continued compliance with the brightness requirements set forth in §1604.F. Sign Illumination. This certification must be renewed every three years. This will allow Middle Paxton Township to adjust standards as needed based on changing technology and evaluation of impacts. Middle Paxton Township reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.

Section 1618 – Nonconforming Signs

A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.

B. All non-conforming signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:

1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration. If more than fifty (50) percent of the sign area is damaged, it shall be repaired to conform to this Ordinance.

2. An alteration in the structure of a sign support.

3. A change in the mechanical facilities or type of illumination.

4. A change in the material of the sign face.

5. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.

6. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by Middle Paxton Township.

C. To determine the legal status of existing signs in each of the cases listed in §1618.B., the applicant shall submit the following information to the Middle Paxton Township Zoning Officer:

1. Type(s) of existing sign(s) located on the property.

2. The area and height of all signs.

3. For freestanding signs, the distance between the curbline or shoulder and the nearest portion of the sign.

4. Type of sign illumination.

5. The material of which the sign is constructed.

6. The building frontage.

7. If an Off-Premises sign, the applicant shall also submit the plan requirements listed in §1606.L.

D. Prior to the events listed in §1618.B., nonconforming signs may be repainted or repaired up to fifty (50) percent of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.

E. Nonconforming signs shall be exempt from the provisions of §1618.B., under the following conditions:

1. The nonconforming sign possesses documented historic value.

2. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or local historical commission.

3. When a nonconforming sign is required to be moved because of public right of way improvements.

F. All nonconforming temporary signs, portable signs, and banners must be permanently removed within ninety (90) days of the effective date of this Article, unless specific approval is granted as provided for herein.

Section 1619 – Signs on the Premises of Legally Nonconforming Uses.

A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.

B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that

existed on that property at the time this Article was adopted.

Section 1620 – Substitution Clause

Notwithstanding any provision of this chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

Section 1621 – Violations

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as strict liability offences regardless of intent. Violators shall be fined a daily fee per sign displayed in violation of this Ordinance. The fee amount shall be established from time to time by Resolution of Middle Paxton Township.

ARTICLE 17.
Off-Street Parking and Loading

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. 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.

C. 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. 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 shall be provided as follows:

A. Parking Requirements for Dwelling Units

Type of Dwelling Unit	Spaces Per Dwelling Unit
Multi-Family Dwellings	Two and a half (2.5) times the number of dwelling units
Single Family Attached with Internal Garage	Four (4) per dwelling unit
Accessory Apartment	Two (2) per accessory apartment
All Other Dwellings	Four (4) per dwelling unit
Uses Not Otherwise Specifically Listed, Residential	One (1) per rooming unit

B. Parking Requirements for Educational and Related Uses

Educational and Related Uses	Required Parking Spaces
Elementary schools	Two (2) per each classroom and each other room used by students plus one (1) space per non-instructional employee
High schools	Two (2) per each classroom and each other room used by students plus one (1) for each four (4) full-time students plus one (1) space per non-instructional employee
Colleges, junior colleges, commercial schools, universities, and related uses	One (1) parking space for every three (3) students enrolled
Other educational uses (in addition to requirements for classroom):	
Group quarters (fraternities, sororities, dormitories, and related buildings)	One-half (0.5) per bed
School auditoriums and cafeterias if used for social functions or as meeting rooms	One (1) per each four (4) seats
Gymnasiums, stadiums, field houses, grandstands and related structures and facilities	One (1) per four (4) seats in public or private assembly up to five hundred (500) seats; one (1) per three (3) seats over five hundred (500) seats
Day care centers, nursery schools or babysitting services (not as part of a dwelling)	One (1) space per employee on maximum shift plus spaces equal to twenty (20) percent of maximum permitted occupancy

C. Parking Requirements for Uses Other than Dwelling Units or Educational Facilities

Uses	Required Parking Spaces
Automobile, Boat, and/or Trailer Sales	One (1) per five hundred (500) square feet of indoor and outdoor display area
Bus and Truck Terminals; Motor Freight Depots	One (1) parking space for every one hundred (100) square feet of waiting room space or one thousand (1,000) square feet of storage space, plus one (1) additional space for every person regularly employed on the premises during the peak shift

Uses	Required Parking Spaces
Convenience Stores with/without Gas Dispensing; Vehicle Repair and Service Shops	Parking or storage space for all vehicles used directly in the conduct of the business, plus one (1) parking space for each gas pump, two (2) spaces for each service bay or similar facility and one (1) space for every person employed on the premises at maximum employment on a single shift
Eating and Drinking Establishments, Sit-Down (including Beverage Production Uses and Farm Cafés)	One (1) per two (2) customer seats plus one (1) for every employee on the peak shift
Eating and Drinking Establishments, Take-Out	Five (5) parking spaces per one hundred and fifty (150) square feet of floor space plus one (1) space per employee on the peak shift
Golf Courses and Resorts	Eight (8) per hole or one (1) per two (2) accommodations (suchas lockers), whichever is greater, plus fifty (50) percent of the spaces normally required for accessory uses
Hotels and Motels	One (1) per guest room plus one (1) for every full-time employee per shift (see separate requirements for an eating and drinking establishments if part of one of these uses)
Nursing or Convalescent Centers; Retirement Villages	One (1) parking space for every one and a half (1.5) rooming units plus one (1) per each employee on the peak shift
Offices (Non-Medical)	One (1) per two hundred (200) square feet of floor area
Personal Services (including Tattoo Parlors and Laundromats/Laundry and Dry Cleaning, Personal); Business Services; Banks and Financial Institutions	One (1) parking space for each person employed at peak shift plus one (1) space for every three hundred (300) square feet of gross floor area and parking or storage space for all vehicles used in the conduct of the business

Uses	Required Parking Spaces
Places of Assembly; Clubs, Lodges, and Fraternal Organizations; Indoor Recreation Facilities	One (1) per four (4) seats or occupants in up to five hundred (500) seats or occupants; one (1) per three (3) seats/occupants over five hundred (500) seats/occupants
Professional Offices of Physicians, Dentists, and Animal Hospitals; Hospitals, Medical Clinics, and Emergency Medical Treatment Facilities	One (1) per two hundred (200) square feet of gross floor area plus one (1) per employee, plus one (1) per three (3) treatment rooms
Public Uses and Buildings, including Libraries, Art Galleries, Museums, and Other Non-Recreational Public Facilities	One (1) per each two hundred and fifty (250) square feet of floor area open to the public, plus one (1) space for each employee regularly employed on the maximum shift
Recreation Areas; Skeet, Rifle, or Archery Ranges	One (1) per each two (2) persons based upon design capacity
Retail Businesses (including Florists and Drug Stores)	One (1) per two hundred (200) square feet of gross floor area, plus one (1) space for each employee on peak shift, or otherwise specified per Ordinance 2016-06
Shopping Centers	For shopping centers there shall be provided five (5) parking spaces for each one thousand (1,000) square feet of gross leasable floor area
Wholesaling, Storing and Warehousing; Manufacturing (see Section F)	Minimum of one (1) parking space for each employee on the two (2) largest shifts but not less than one (1) parking space per each one thousand (1,000) square feet of gross floor area whichever is greater, plus parking or storage space for all vehicles used directly in the conduct of such business
Uses Not Otherwise Specifically Listed, Non-Residential	One (1) per five hundred (500) square feet of floor area and one (1) for every employee on 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 (9) feet by twenty (20) feet 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 commercial and industrial establishments, the Zoning Hearing Board may authorize the reduction of the number 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 (5) percent 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 (1) eighteen (18)-foot 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 (50) feet of any street intersection.

Section 1704 – Residential Driveway Regulations

All Single-family and multi-family dwelling driveways shall conform to the following:

A. The number of driveways may not exceed two (2) per lot on a street frontage. A minimum distance of one hundred (100) feet must be maintained between each driveway.

B. Driveway width may not exceed twenty-four (24) feet at the right-of-way line.

C. Driveways must be located in safe relationship to sight distance and barriers to vision. The driveway may not exceed a slope of three (3) percent within twenty (20) feet of the street right-of-way line. Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point the driveway intersects the right-of-way.

D. A clear sight triangle in conformance with the Subdivision and Land Development Ordinance shall be provided for all 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 turnaround area - minimum size fifteen (15) feet by ten (10) feet to the side of the main driveway so that entrance to the road can be performed in a safe manner.

G. Permits are required for driveways and/or driveway improvements where they enter a public road.

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 (50) feet from any other access drive or driveway located upon the same lot (measured from cartway edges); and

2. Ten (10) feet 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 one hundred and twenty-five (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 based 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, driveways 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. Paving, if required shall consist of a minimum of two (2) inches of binder course, and one (1) inch of wearing course in accordance with current PennDOT paving specifications or equivalent with approval of the Township Engineer. The reduction of impervious surfaces through the use of interlocking pavers or other pervious or semi-pervious materials is strongly encouraged for areas such as community parking lots and parking areas for periodic uses.

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 six hundred (600) feet from the lot where the building or use is situated.

D. Limitation of use.

No more than fifty (50) percent of all the parking space required for theaters and places of amusement and up to one hundred (100) percent of the parking spaces required for a church or school may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours, 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 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 and 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. Industry: one (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total area.

3. Warehouses: one (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) 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 (1) in every eight (8) required accessible spaces shall be designated as “van accessible”.

Section 1711 – Fire Lanes

All areas abutting buildings designated as a fire lane shall be posted as “Fire Lane - No Parking or Standing.”

ARTICLE 18.
Administration and Enforcement

Section 1800 – Zoning Permits

A. Requirement of Permits: A zoning permit shall be required prior to the construction, 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 zoning permit shall be issued until the Zoning Officer has certified that the proposed construction, enlargement, repair, alteration, moving, or demolition complies with all the provisions of this Ordinance.

C. The permit application must be accompanied by a site plan showing the following to demonstrate conformity with 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 (100) feet of the proposed building or structure, but off the lot and shall include well and septic locations;

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; and

6. Other: Any 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 noted below:

A. Use of a structure or building, constructed, 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; and

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 by a determination 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 Zoning Hearing 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 having 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 Zoning Hearing Board on the appeal, whether or not such information is on the official form.

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 Zoning Hearing Board after the notice of appeal shall have been filed that by reason of facts stated in the certification 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 otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by a court having jurisdiction of zoning appeals on petition, after notice to the Zoning Officer or other appropriate agency or body 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 grounds upon 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 once a week for two (2) successive weeks, the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing, in a newspaper of 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.

(b) 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 one (1) week prior to the hearing.

2. The hearing shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or independent attorney as a Hearing Officer. The written decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive the 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 their 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 except advice from its solicitor 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 their 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 the power to require 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 in accordance with applicable law:

(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 the decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

4. Except for challenges filed under section 916.1 of the MPC, where the Zoning Hearing Board fails to render a decision within the period required by this Section, or fails to commence, conduct, or complete the required hearing, 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 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 , 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 not violated.

E. Stenographic Record

The Zoning Hearing Board or the Hearing Officer, as the case may 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 upon request.

Section 1804 – Township Supervisors - Powers and Duties

A. Zoning Hearing Board Appointments

The Township Board of Supervisors shall appoint either three (3) or five (5) residents of the Township to a Zoning Hearing Board. The terms of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five years and shall be so fixed that the term of office of one (1) 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. The Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office an alternate member shall be three (3) years.

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 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 Planning Commission, must be referred to the Planning Commission for its recommendations. If the Planning Commission fails to make a recommendation within thirty (30) days, the Township Supervisors may act without the Planning 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 Supervisors by any interested party.

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 Resolution 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 from the Zoning Hearing Board, the Planning Commission must give a written report on it to the Zoning Hearing Board. The Planning 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 Planning 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. Membership

1. 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 nor shall any alternate be an employee of the municipality. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member.

2. If by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be necessary to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to 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 (2) 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 Dauphin County Court of Common Pleas.

   (d) The burden of proof in any appeal whether for a variance, special exception, or otherwise shall be on the applicant.

2. Special Exceptions

   (a) The Zoning Hearing Board shall 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 ensure that the approval is consistent with the purposes and intent of this Ordinance.

   (b) The applicant shall establish by credible evidence compliance with all criteria for 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 construction, 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 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 decision.

   (c) A brief description and location of the real estate to be affected by such decision.

   (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 appeal 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 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 Board or court having jurisdiction of zoning appeals.

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) Conform to Section 1803A.1.a - By publishing a notice once a week for two (2) successive weeks, the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing, in a newspaper of 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.

   (b) By mailing due notice at least seven (7) days prior to the date of the hearing to the parties of interest.

   (c) By giving due notice thereof to the 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.

1. 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 aggrieved shall be given an opportunity to be heard.

2. 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 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.

3. 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.

4. Should the appellant or applicant fail to obtain the necessary permits within said six (6) month period, or having obtained the permit fail to commence work thereunder within such six (6) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned their appeal or their application, and all provisions, variances and permits granted to the applicant shall be deemed automatically rescinded by the Zoning Hearing Board.

5. Should the appellant or applicant commence construction or alteration within said six (6) month period, but fail to complete such construction or alteration within said six (6) 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 six (6) 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.

E. 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 of the Zoning Hearing Board. 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.

F. Expenditures for Services

Within the limits of funds appropriated by the Township 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 Township 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 zoning 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. Transmittal of Papers

Upon receipt of an application for a variance, special exception, 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.

C. Action on Zoning and Compliance Certificates

Within thirty (30) 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, the Zoning Officer must state in writing the grounds for the refusal.

D. Violations

If it appears 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 first class mail for 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 completed.

(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 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 provisions of this Zoning Ordinance shall upon being found liable therefore in a civil enforcement proceeding pay a judgment of not more than five hundred ($500.00) dollars 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 Magisterial District Judge 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 only one (1) such violation until the fifth (5^{th}) day following the date of the Magisterial District Judge's determination of violation, and thereafter each day that a violation continues shall constitute a separate violation. All monies 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 Ordinance.

E. Records

The Zoning Officer must keep a record of:

1. All applications for zoning permits, use certificates, special exceptions, and variances and all actions taken on them together with any conditions imposed by the Zoning Hearing Board;

2. Registration of nonconformities;

3. All complaints or violations of provisions of this Ordinance and the action on them;

4. All plans submitted; and

5. Maintain all records and plans available for public inspection.

F. Reports

At intervals of not greater than monthly, the Zoning Officer must report to the Township Supervisors:

1. The number of building permits and use certificates issued; and

2. The number of complaints of violations received and the action taken on these complaints.

Section 1808 – (Reserved)

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 Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the 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 Planning Commission unless the Planning 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 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 Planning Commission shall submit the proposed 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 Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comments. Such public hearing shall be conducted after public notice has been given. Public notice for a zoning amendment shall be provided as follows:

(a) Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing.

(b) Publication of the proposed amendment shall include either the full text thereof or the title and brief summary setting forth all the provisions in reasonable detail. If the full text is not included, the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

(c) In Zoning Map amendments, the notice of a 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 (1) week prior to the date of the hearing.

(d) 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.

(e) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) 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 Supervisors 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 Supervisors shall publish the proposed ordinance or amendment once (1) in one (1) 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:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

(2) An attested copy of the proposed ordinance shall be filed in the 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) 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 governing body shall hold another public hearing, pursuant to public notice, mailed notice and electronic notice, before proceeding to vote on the amendment.

(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 Supervisors shall submit each amendment to the Planning Commission for comments. The amendment application shall be submitted at least thirty (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 Supervisors within thirty (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 and the Township's officially adopted Comprehensive Plan.

4. Dauphin County Planning Commission Comments

At least thirty (30) days prior to the hearing on the Ordinance amendment by the Township Supervisors, the Township shall submit the proposed ordinance or amendments to the Dauphin County Planning Commission for recommendations. Within 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, a 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 (1) 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 thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Dauphin County Planning Commission.

Section 1810 – Enforcement, Penalty, and Remedy

A. The construction, replacement, alteration, repair, extension, 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 in 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 not 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, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws, the Township 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 their 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 thirty (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 therefore in civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney's 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation,, unless the Magisterial District Judge determines that there 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 (1) such violation until the fifth (5^{th}) day following the date of the determination of a violation by the Magisterial District Judge 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 the 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 state 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 _____, 2000, 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 day _____.

BOARD OF SUPERVISORS
MIDDLE PAXTON TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA

By: _____
Chairman

Attest: _____
Secretary

Appendix A

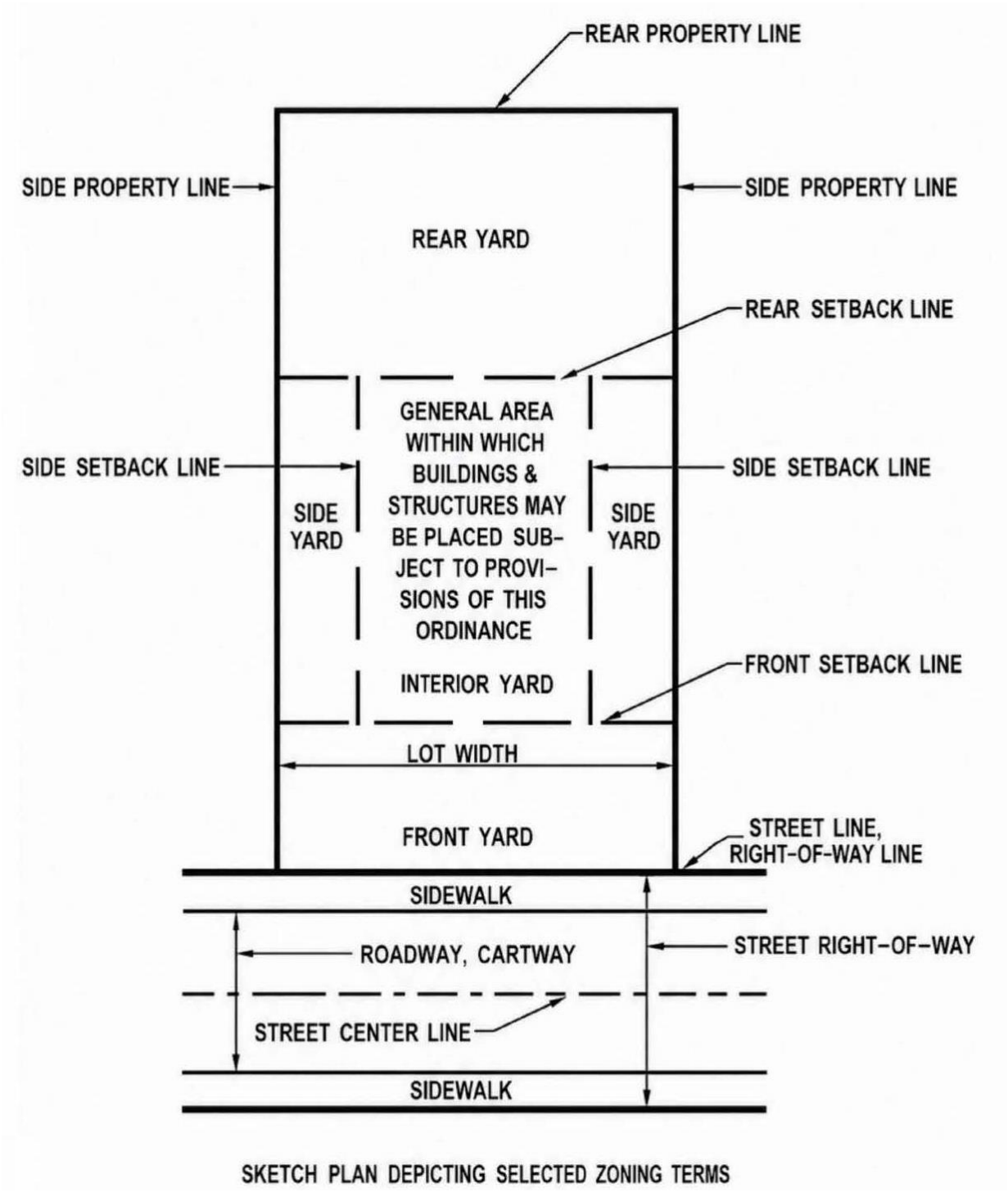


Figure 1

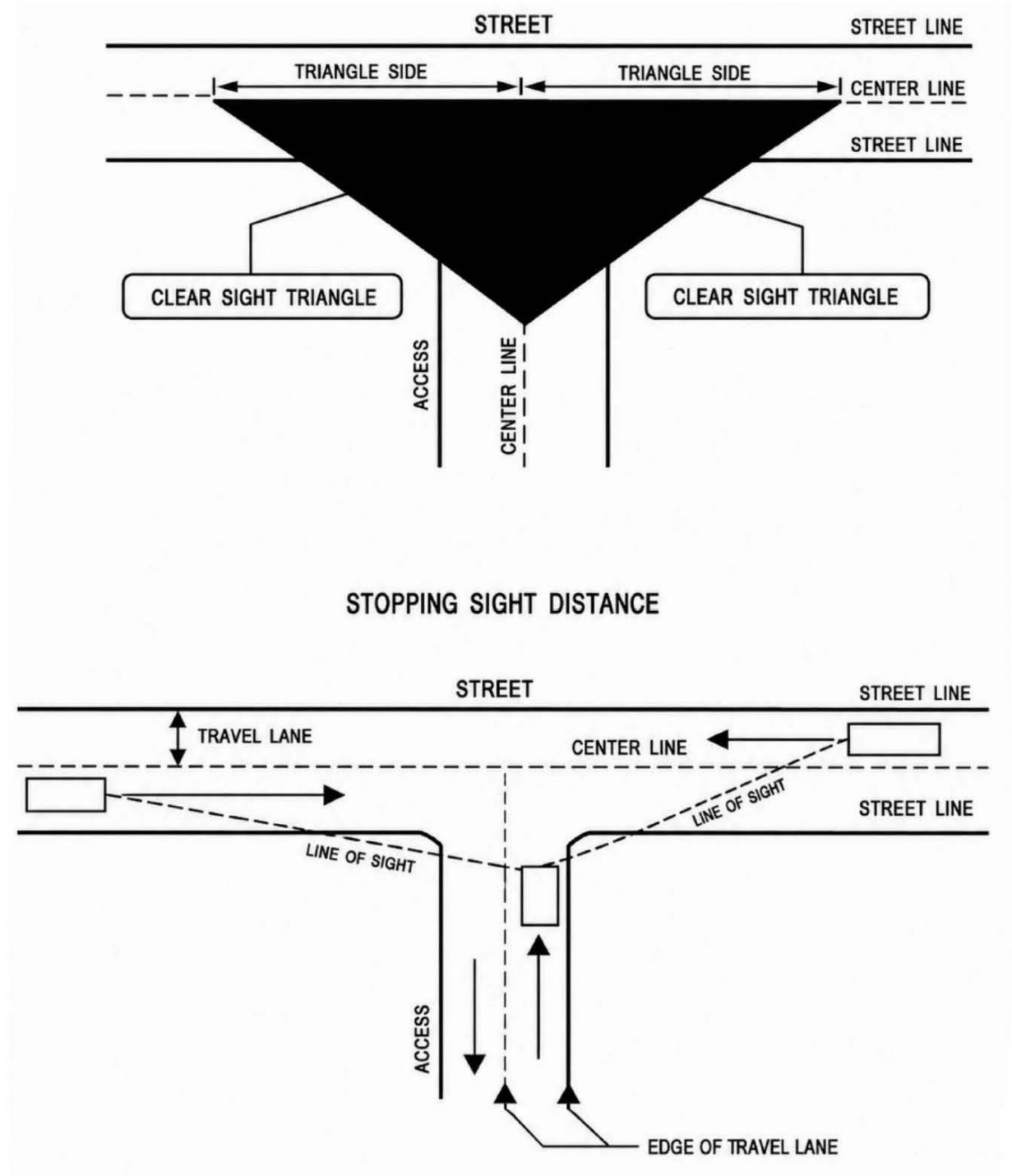

STREET
STREET LINE
TRIANGLE SIDE
TRIANGLE SIDE
CENTER LINE
STREET LINE
CLEAR SIGHT TRIANGLE
CLEAR SIGHT TRIANGLE
ACCESS
CENTER LINE
STOPPING SIGHT DISTANCE
STREET
STREET LINE
TRAVEL LANE
CENTER LINE
LINE OF SIGHT
STREET LINE
LINE OF SIGHT
ACCESS
EDGE OF TRAVEL LANE

Figure 2

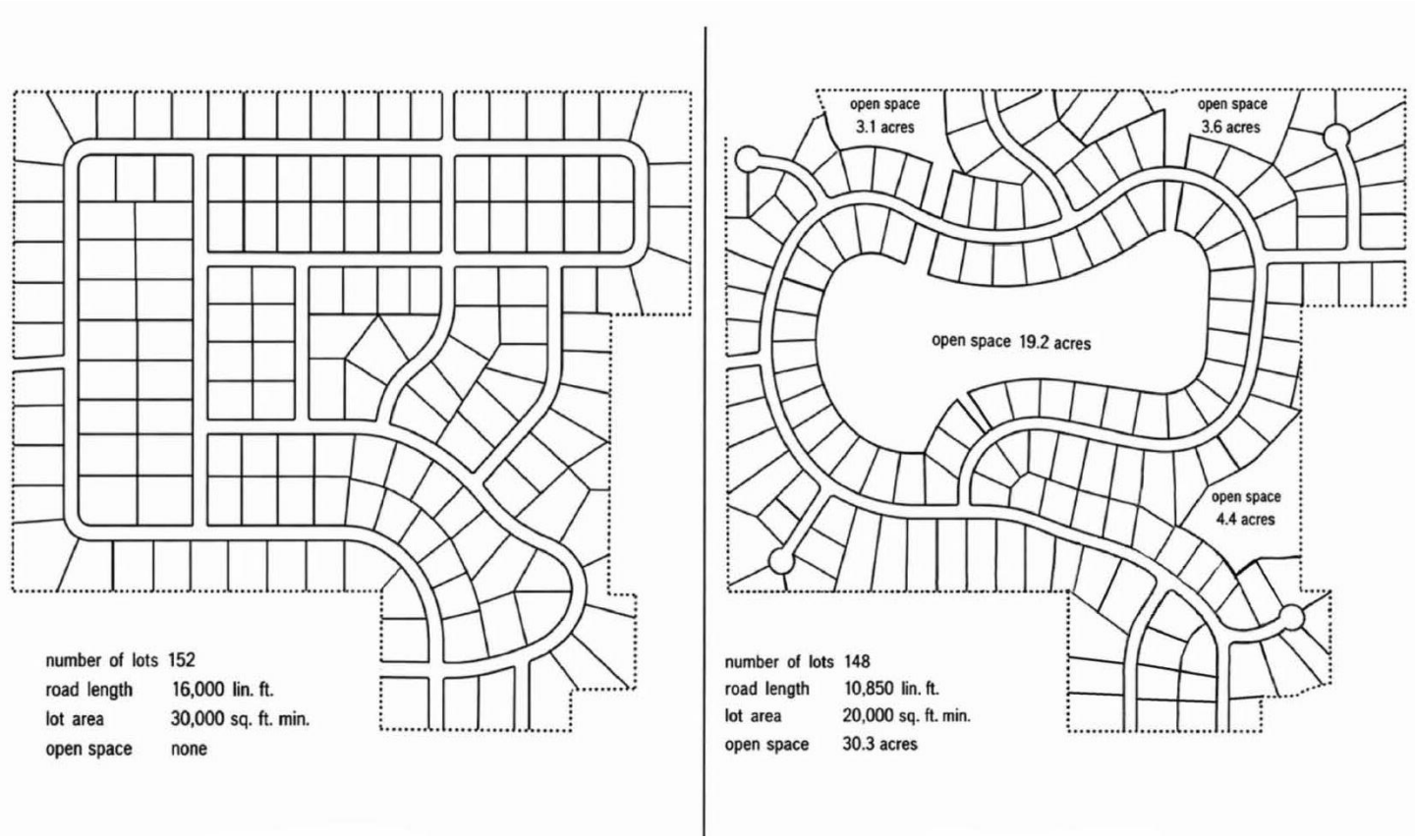


Figure 3

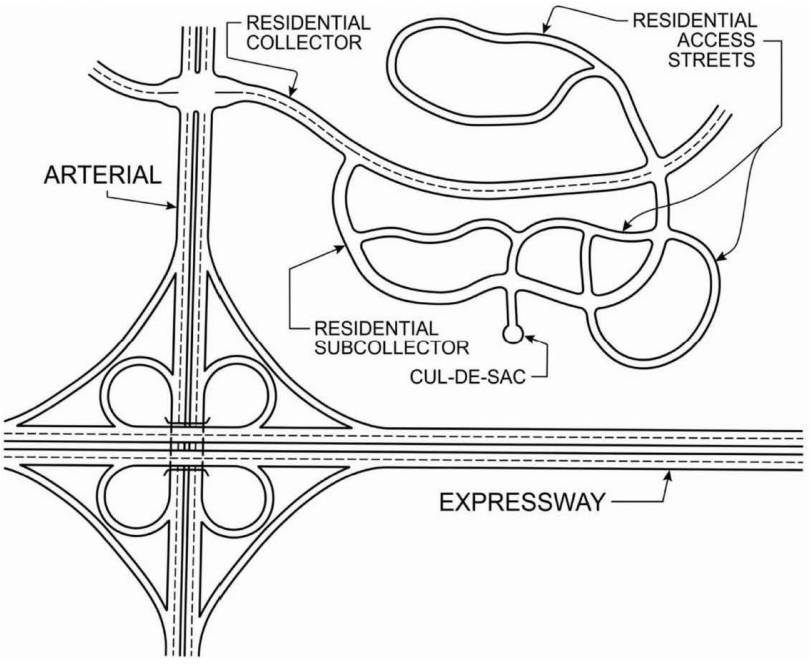


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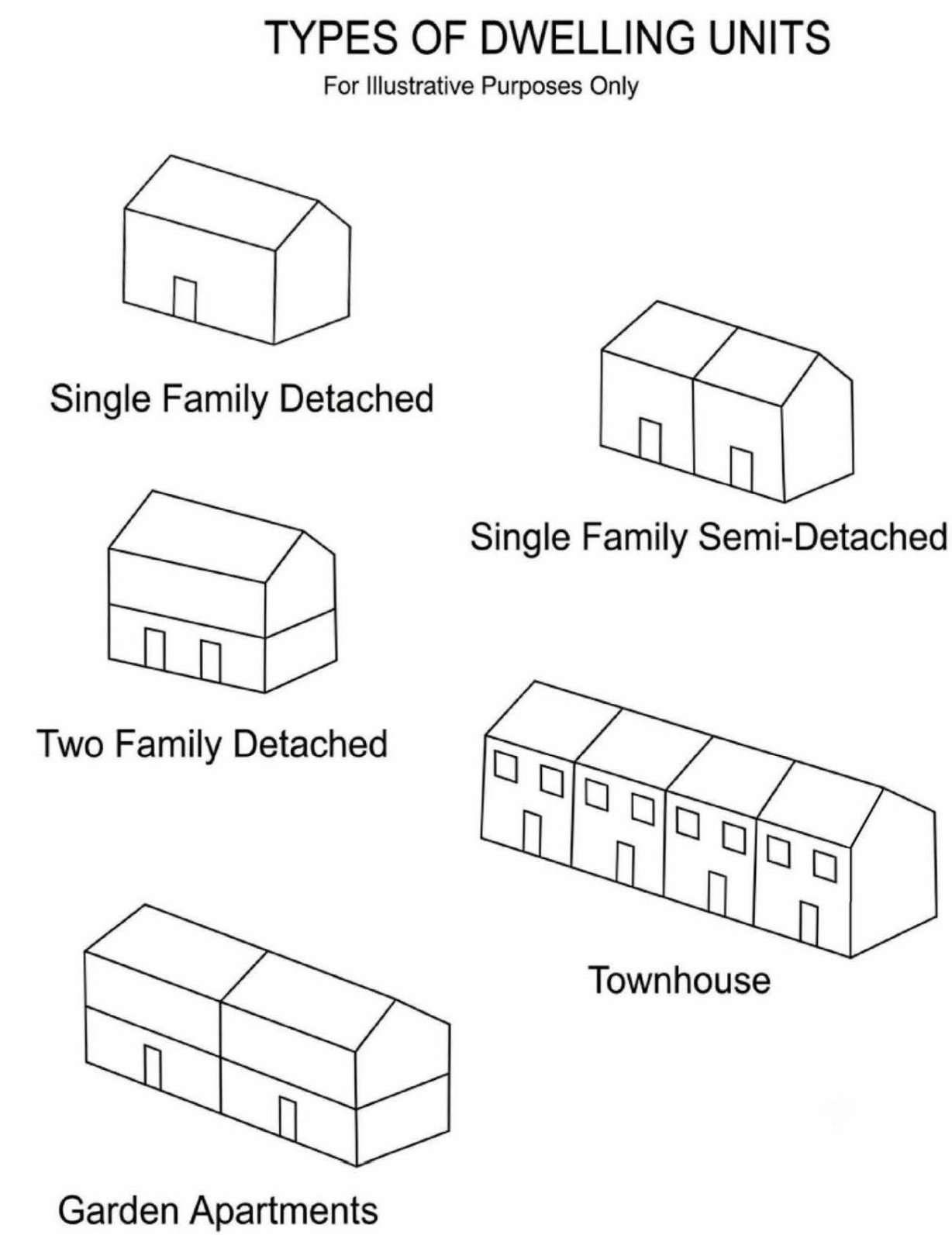
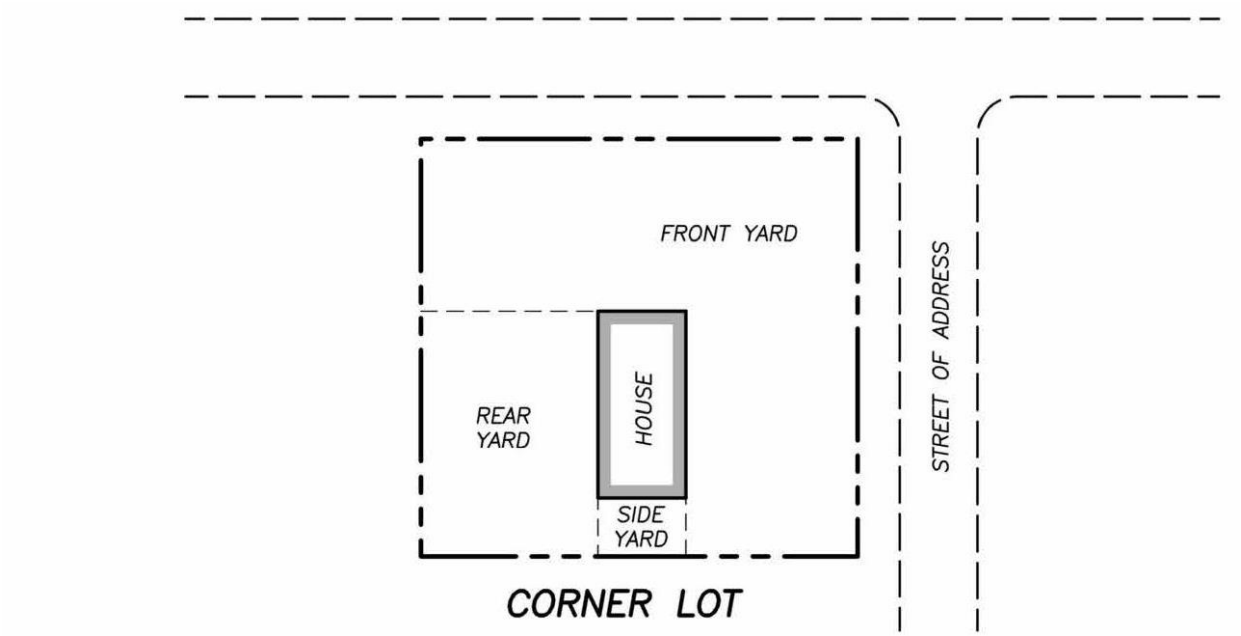

TYPES OF DWELLING UNITS
For Illustrative Purposes Only
Single Family Detached
Single Family Semi-Detached
Two Family Detached
Townhouse
Garden Apartments

Figure 5


FRONT YARD
REAR YARD
HOUSE
SIDE YARD
STREET OF ADDRESS
CORNER LOT

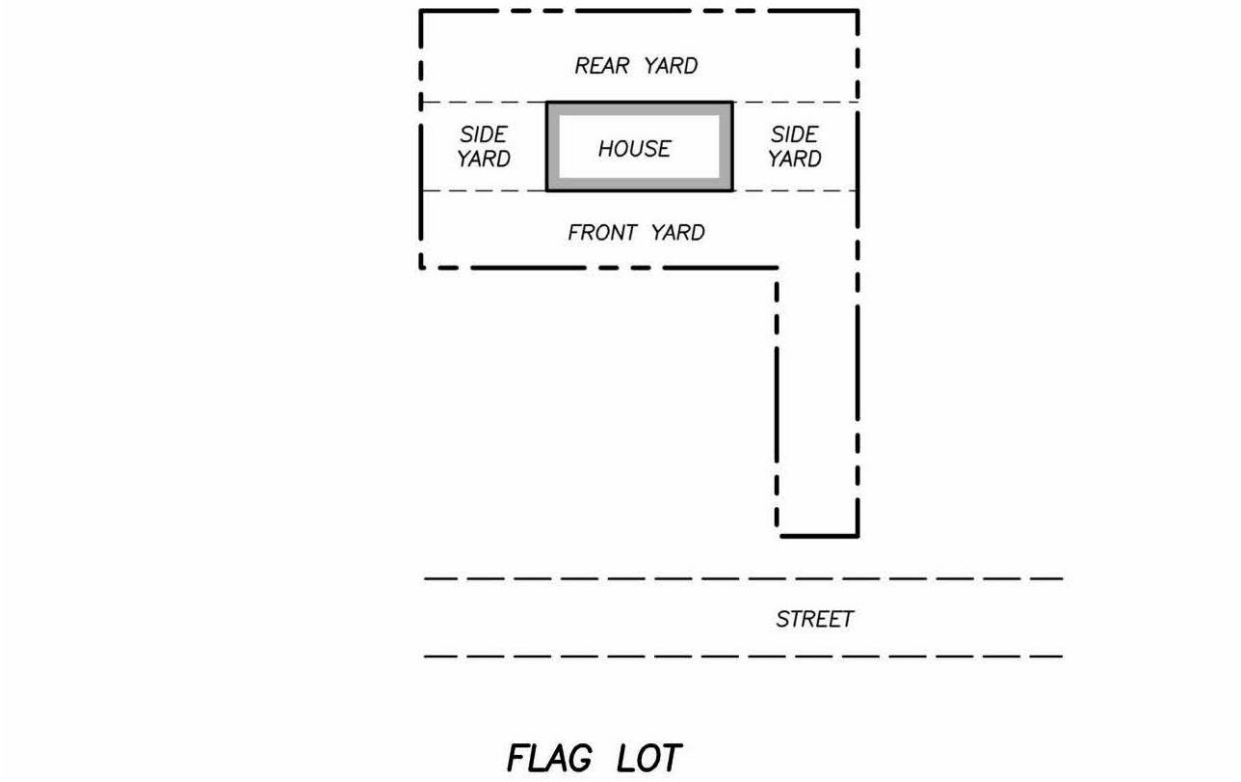

REAR YARD
SIDE YARD
HOUSE
SIDE YARD
FRONT YARD
STREET
FLAG LOT

Figure 6

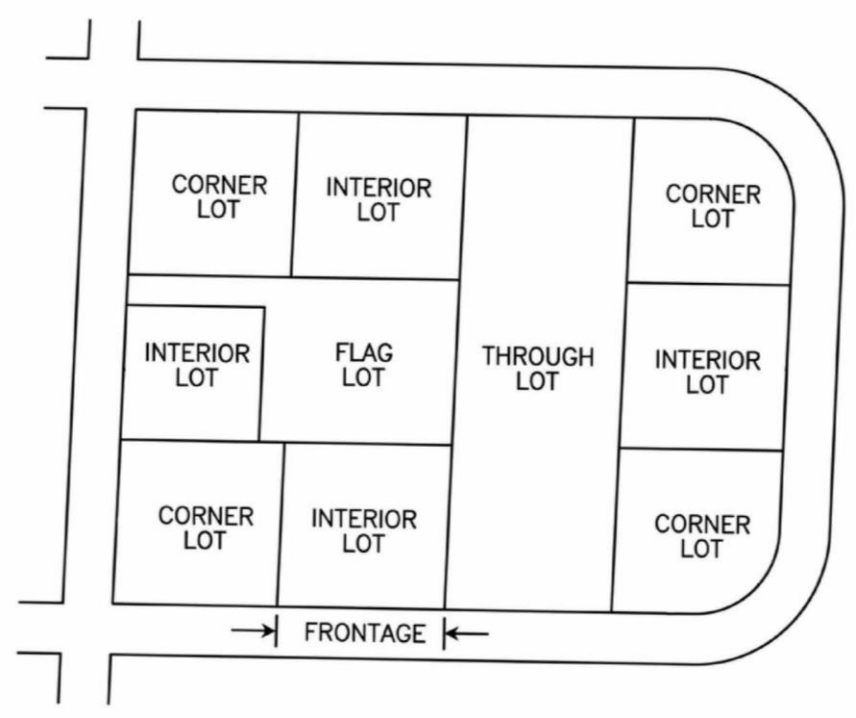


Figure 7

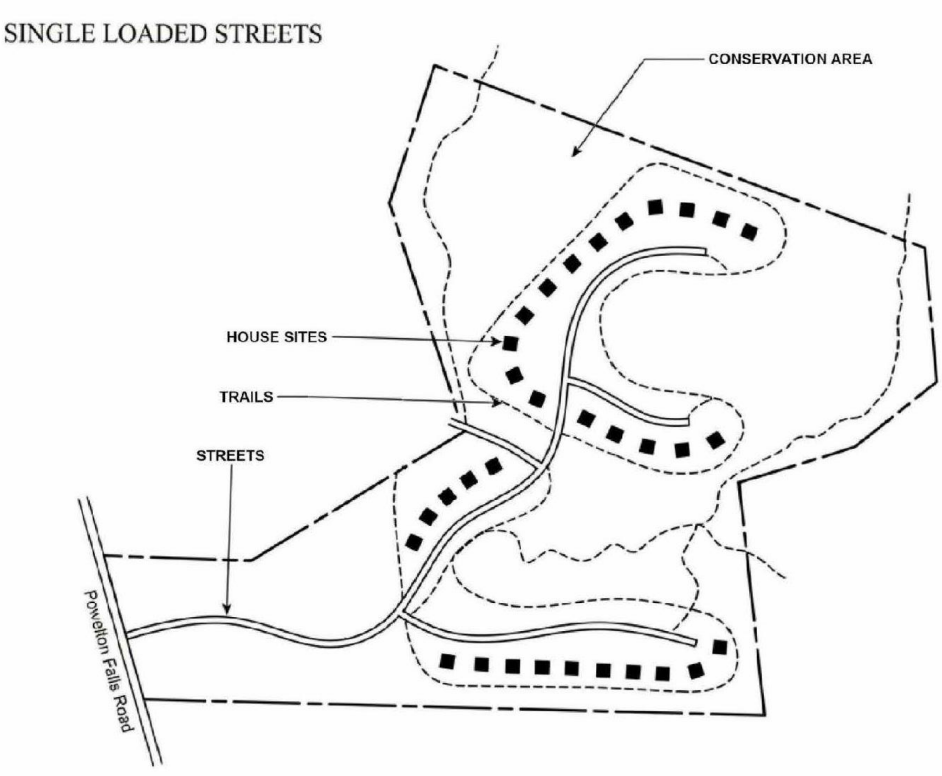
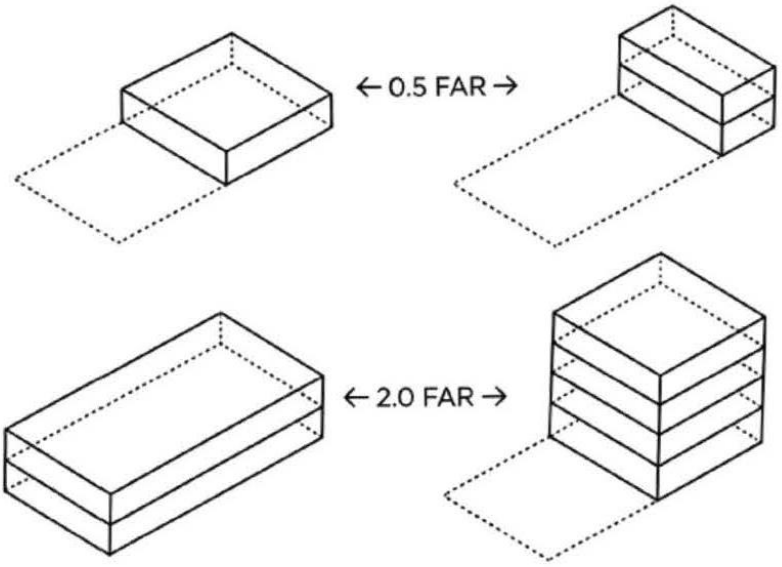
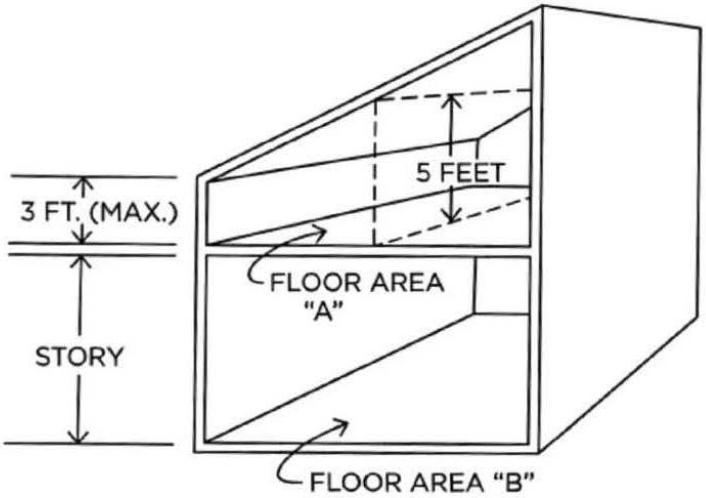


Figure 8



FLOOR AREA RATIO



IF FLOOR AREA "A" IS AT LEAST 40% OF FLOOR AREA "B" — THEN "A" IS A HALF STORY.

Figure 9

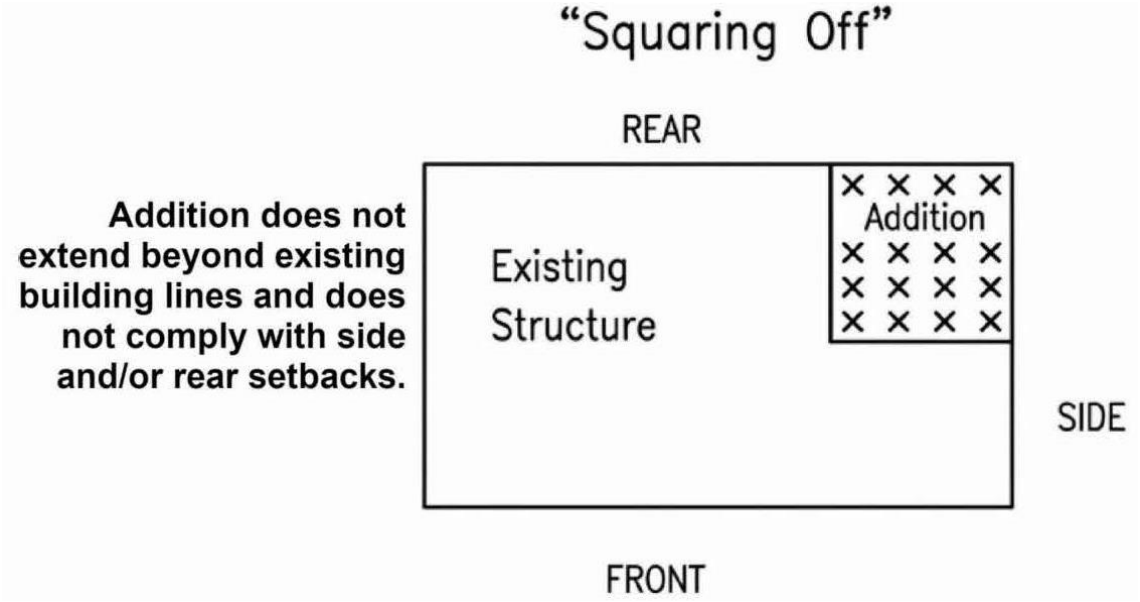


Figure 10

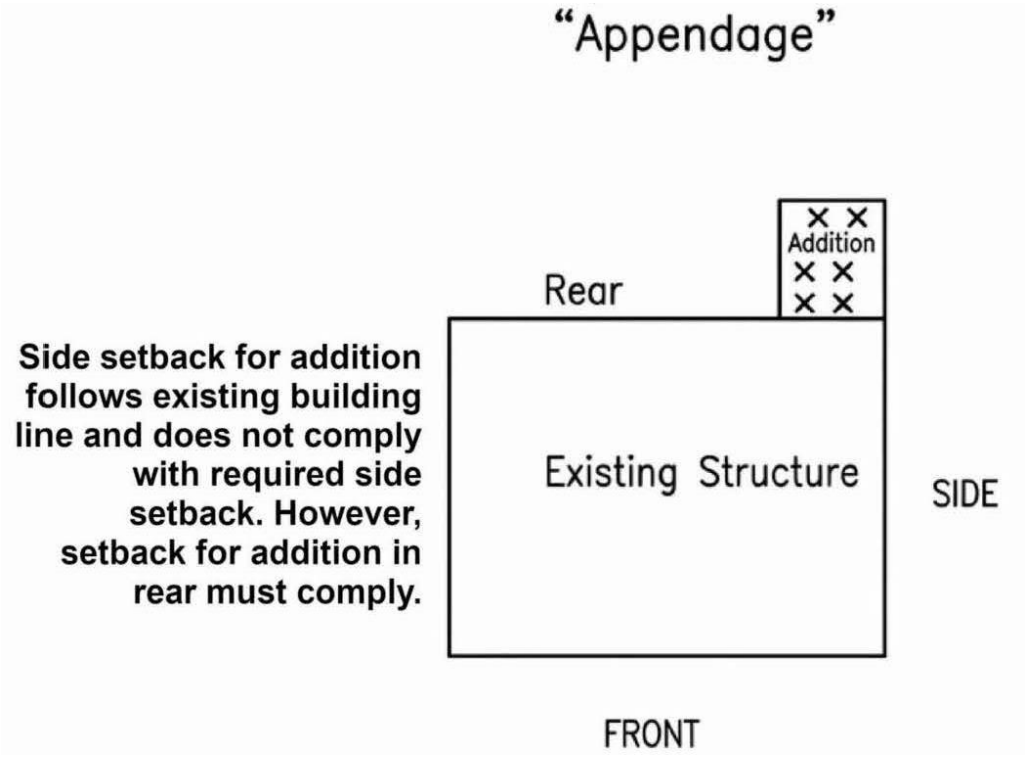


Figure 11