

**TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA**

PLANNING COMMISSION

OCTOBER 20, 2022

4444 WALBERT AVENUE, ALLENTOWN, PA 18104

GoToMeeting <https://global.gotomeeting.com/join/757430189>.

A G E N D A

	<u>Estimated Time</u>
<u>AGENDA ITEM #1</u> – CALL TO ORDER	7:30 pm
<u>AGENDA ITEM #2</u> – PLEDGE OF ALLEGIANCE/ROLL CALL/MEETING RULES	7:30 pm
<u>AGENDA ITEM #3</u> - APPROVAL OF MINUTES	7:35 pm
Minutes of the September 15, 2022 meeting page 2	
<u>AGENDA ITEM #4</u> – COMPREHENSIVE PLAN PREVIEW	7:40 pm
<u>AGENDA ITEM #5</u> – SUBDIVISION REVIEW	
None	
<u>AGENDA ITEM #6</u> – ZONING AMENDMENTS	
A. Shree Mata 4365 Text Amendment	7:45 - 8:10 pm
Request for Zoning Ordinance Text Amendment 2022-501	
<u>Request for Zoning Ordinance Text Amendment</u> page 13	
1. Staff Presentation	
2. Applicant Presentation	
3. Courtesy of the Floor	
4. Planning Commission Decision	
B. Requirement for Planning Commission Review of Special Exception Appeals	8:10 - 8:35 pm
Staff Directed Request for Zoning Ordinance Text Amendment page 23	
C. Zoning Ordinance Service Pack 2C	8:35 – 9:35 pm
Staff Directed Request for Zoning Ordinance Text Amendment page 31	
<u>AGENDA ITEM #6</u> – COMPREHENSIVE PLAN UPDATE	9:35 pm
<u>AGENDA ITEM #7</u> – TRANSPORTATION INFRASTRUCTURE UPDATE	9:50 pm
<u>AGENDA ITEM #8</u> – COURTESY OF THE FLOOR	9:55 pm
<u>AGENDA ITEM #9</u> – ADJOURNMENT	10:00 pm

NOTE: Estimated time is only a guide. Applicants are expected to be on time.

on page 3, “LANTA” was missing the final “A”. Chairman Wilson called for a motion to approve the minutes as amended. Mr. Flagg made a motion to that effect. Mrs. Kelly seconded the motion and it passed 6-0, with Mr. Dugan abstaining.

AGENDA ITEM #4 – COMPREHENSIVE PLAN UPDATE

Director Manhardt reviewed the September 13th Comp Plan Workshop, noting that the Planning Commission reviewed and approved the Transportation Chapter and then reviewed the initial Land Use presentation. He stated that staff is working on the infrastructure map and posting the Land Use survey online by Friday. He reviewed the schedule for the Comp Plan Open Houses at six Parkland school locations within the Township and at Fall Fest at Covered Bridge Park.

AGENDA ITEM #5 – SUBDIVISION REVIEW

A. PSD New Operations Center Major Plan 2022-108 Request For Sketch Plan Review

Chairman Wilson polled the audience for interested parties other than the developer regarding the application to further develop the property located at 2619 Stadium Drive. There was no response.

At the request of Chairman Wilson, Mr. Adams read the Community Development Department’s recommendation into the record. The Department recommended that the applicant utilize the comments of the reviewing agencies and those of the Planning Commission to assist in the preparation of the preliminary plans.

Engineer Scott McMackin and Architect Sylvia Hoffman accompanied Vice-Principal Tim Peronzo and Director of School Services Dave Keppel of Parkland School District to present the plan and answer questions. Engineer McMackin reviewed the application.

Architect Hoffman reviewed the site, noting that the Operations Center is proposed to move from the Troxell Building to the proposed location east of Orefield Middle School. She noted that the New Operations Center is proposed to house offices, storage, and workshops for Maintenance, Custodial Services, Food Services, Registrar’s Office and Technology. She stated that the upper level will contain the offices and the lower level will contain the maintenance and storage. She noted that the lower level parking lot is proposed to be used as overflow parking during games.

Mr. Flagg inquired as to whether commissary service is proposed in the building.

Architect Hoffman state that only storage is proposed, not kitchen facilities.

Chairman Wilson noted that frontage improvements along Stadium Drive and Lime Kiln will be required, including sidewalks. He also noted that stormwater management system outfall near Lime Kiln Road.

Engineer McMackin stated that the lower level parking lot will be underlain with stormwater storage. He stated that the stormwater will be detained under the lot and then piped to the basin near Lime Kiln Road, from which it will follow its present course along Lime Kiln Road. He stated that he would look at the downstream flow.

Chairman Wilson inquired as to the parking requirements. He inquired as to whether the lower-level parking lot will be able to accept the required truck turning movements in order to access the loading docks, given the parking situation.

Engineer McMackin stated that the upper-level lot will service the offices and visitors. He stated that, on the lower-level lot, staff will use the perimeter spaces and the core will remain open for truck turning movements. He noted that the core could be used for overflow parking during off hours and weekends. He stated that between 30 and 35 employees are proposed to occupy the building.

Mr. Hite inquired as to the proposed sidewalks.

Engineer McMackin stated that the plan proposes sidewalk from the existing south driveway north to the stadium.

Mr. Leuthe stated that sidewalk and curbing is require along the entire frontage.

Mr. Hite inquired as to the use of the Environmental Lab on the south side of Lime Kiln Road.

Vice-Principal Peronzo stated that the Environmental Lab is no longer used and is no longer accessed by the students.

Mr. Dugan inquired as to the future plans for Troxell Building.

Director Keppel stated that some services will remain at Troxell for the time being. He stated that when new locations are found for those services, the building may be vacated.

Mr. Leuthe inquired as to whether the stormwater storage below the lower lot was intended for infiltration.

Engineer McMackin stated that it was and that the base of the infiltration bed is at current grade.

Mr. Flagg inquired as to when the project is proposed to be completed.

Engineer McMackin stated the summer of 2024.

Mr. Hite inquired as to whether the existing building to the south of the proposed Center is to remain in place and active.

Engineer McMackin stated yes to both.

**B. 1429 Eck Road Outdoor Storage
Major Plan 2022-109
Request For Sketch Plan Review**

Chairman Wilson polled the audience for interested parties other than the developer regarding the application to develop the property located at 1429 Eck Road. The following individuals indicated interest:

Tim Hauser	5006 Chapmans Road
Monica Hodges	1707 Penns Crossing
Michael Pushkar	1470 Eck Road

At the request of Chairman Wilson, Mr. Adams read the Community Development Department's recommendation into the record. The Department that the applicant utilizes the comments of the reviewing agencies and those of the Planning Commission to assist in the preparation of the preliminary plans.

Attorney Tim Charles, Traffic Engineer Tyler Krause, and Engineer Martin Smith accompanied Joe Petrucci of Triple Net Investments to present the plan and answer questions. Attorney Charles stated that Outdoor Storage is proposed and a Special Exception review by the Zoning Hearing Board will be required. He stated that he had received the reviewing agencies' comments. He stated that the applicant intends to make an application to the Zoning Hearing Board and then return to the Planning Commission.

Mr. Petrucci described the project as a fully-paved, short-term trailer storage lot. He noted that the lot is to be gated, fenced and lit with a guard shack. He stated that this facility is intended to be leased to one or two tenants. He stated that he has reviewed the reviewing agencies' comments and is working on the revisions.

Mr. Hite inquired as to how close by the would the warehouses serving the facility be located.

Mr. Petrucci stated that the intent is the Route 100 area.

Mr. Hite inquired as to whether the trailers to be parked at the facility will be loaded or empty.

Mr. Petrucci stated that it would likely be a mix of mostly empty and some loaded.

Mr. Flagg inquired as to whether there would be only trailers or tractors as well.

Mr. Petrucci stated that there may be some tractors, but the majority will be trailers only.

Mr. Hite inquired as to whether the trailers would be parked by the tractors or by yard jockeys.

Mr. Petrucci stated that it would be by tractors dropping off trailers and leaving.

Mrs. Kelly inquired as to the intended hours of operation.

Mr. Petrucci stated that the facility would mirror the hours of the nearby warehouses being served.

Mr. Hite inquired as to the lease period. He also inquired as to whether an owner-operator could lease one space.

Mr. Petrucci stated that the leases are typically for five years and that single-space leases are rare.

Mr. Leuthe inquired as to the need for a guard shack.

Mr. Petrucci stated that security was the primary reason. He stated that most tenants require onsite security. He stated that he understands the requirement for water and sewer service.

Mr. Hite inquired as to whether the facility will be lighted and to whether the driveway location could be moved to be more central on the lot.

Engineer Smith stated that aligning the driveway with the other driveway opposite would create poor sight lines onto Eck Road.

Mr. Hite stated his concern that the headlights of trucks turning in from north-bound Eck Road with wash onto the neighboring residence. He stated that the north side needs buffering. He noted that the frontage improvements will be required.

Engineer Smith stated that he would look at the buffer issue.

Mr. Wilson stated his approval of the concept, noting that it will get trucks off the road and shoulders. He stated that frontage improvements will include sidewalk. He repeated that the residence needs to be properly buffered. He noted that requirement for water and sewer service.

Mr. Hite inquired as to whether reefers would be permitted and whether they would be permitted to run while onsite.

Engineer Smith stated that he did not know and that it would be on the tenant to comply with Township Ordinance relating to noise and hazardous materials.

Mr. Leuthe noted that turning movement revisions would be needed.

Engineer Smith stated that he is revising the plan and proposing a longer driveway.

Mr. Dugan inquired as to the stormwater management on the site.

Engineer Smith stated that he designated some areas for the stormwater management but has not yet designed it. He stated that the intent is for infiltration basins and that he is limited by the topography of the site.

Mr. Dugan stated that the soils are close to hydric.

Engineer Smith stated that he hasn't found any hydric soils yet but he is still studying the site. He stated that that the stormwater is to be managed onsite and discharged near the railroad.

Mr. Leuthe stated that he understands so far that the site is to be long-term parking on long-term leased spaces with on one sitting in their trucks. He noted that the guard would control access.

Mr. Petrucci stated that his description was accurate – that trucks would drop their trailers and leave with little to no idling onsite.

Mr. Leuthe suggested a key-code gate in order to remove the guard shack.

Mr. Hite inquired as to a snow-removal device for the tops of trailers.

Mr. Petrucci stated that one was not proposed.

Engineer Smith stated that he has designed a mobile unit and could implement here.

Mr. Hite inquired as to whether Triple Net Investments would be purchasing the sliver of property between the neighboring residential property and the junk yard.

Engineer Smith stated that Triple Net is purchasing the entire property, sliver included.

Mr. Flagg inquired as to whether there would be much in and out traffic onsite.

Mr. Petrucci stated that “much” is relative. He stated that his experience is that these facilities generate less traffic than the warehouses they serve. He stated that a similar facility leased by Ryder generates about 20 trips per day.

Director Manhardt suggested pushing the fence and gate to the interior of the lot to provide more queuing.

Traffic Engineer Tyler stated that he estimates the site will generate approximately 20 to 30 trips per day (TPD), with two to three trips during the peak hour. He noted that New Jersey Department of Transportation estimates 50 TPD, while a 57,000 square foot light industrial building generates 265 TPD (including 14 truck trips) and a similar manufacturing site generates 417 TPD (including 26 truck trips). He stated that the trips will be local traffic and the site is not a destination and will not draw new trucks.

Mr. Hite inquired as to the routes for the loaded trucks. He noted the restricted bridge at Crackersport Road at Kuhnsville and that the Eck and Chapmans Road intersections needs improvement. He stated his concern with the likely tenant pool accessing the site.

Mr. Tim Hauser of 5006 Chapmans Road stated that restrooms will be needed for drivers, that a dumpster will be needed for drivers, that the security guards will need to enforce the onsite rules, and that the intersection of Eck and Chapmans Roads needs to be improved.

Mrs. Monica Hodges of 1707 Penns Crossing inquired as to whether the site is proposed to be similar to the Creek Schaeffer Lot in Macungie. She stated her concerns with reefer storage and noise from the refrigeration units.

Mr. Petrucci stated that he was not familiar with the Creek Schaeffer Lot and that reefer storage is still an option for potential tenants.

Mrs. Hodges stated that some shippers require a pre-cooled trailer. Meaning that the refrigeration unit will be idling onsite.

Director Manhardt stated that the Township does have a noise ordinance in place but that there are a number of regulations that conflict with enforcement of the ordinance.

Mr. Hite inquired as to whether mechanical repairs will be performed onsite.

Mr. Petrucci stated that they would not.

Mr. Hite inquired as to the snow plowing on the lot. He inquired as to a snow push-off spot.

Mr. Petrucci stated that he had not considered the issue.

Mr. Michael Pushkar of 1470 Eck Road stated the need to improve Eck Road, noting that it is too narrow to allow two tractor trailers to pass safely.

Mr. Wilson agreed but noted that the Township is handcuffed by Commonwealth regulations.

Engineer Smith stated that he had received the reviewing agencies' comments and will coordinate responses with staff.

AGENDA ITEM #6 – ZONING ORDINANCE SERVICE PACK 2C

Mr. Adams reviewed the state of the Zoning ordinance Service Pack 2C review to date. He stated that the Planning Commission has reviewed the first two categories of amendments to date but did have a number of comments on some of the amendments.

Mrs. Kelly inquired as to why the R-10 bulk criteria for Townhouse and Three Flats was chosen in the HC zoning district.

Mr. Adams stated that the HC zone is a commercial that has some residential components. He noted that the original criteria listed appears to have been a copy-and-paste error which showed bulk criteria for a completely different type of Use - perhaps larger Townhouse criteria for the Three-Flat and a smaller Townhouse criteria for the Townhouse. He also noted that the Max Units Per Acre requirement is only utilized in Apartment Buildings, as they can build higher than the other residential Uses.

Mrs. Kelly inquired as to whether the Retirement Facility in the middle of the page replaces Restaurant or Stormwater Management.

Mr. Adams stated that Retirement Facility is proposed to be inserted between the two Uses listed, for alphabetical order.

Mr. Adams stated reviewing the second category amendments, starting with Item 1 on page 43. He reviewed the proposed amendment and there were no comments. He moved to Item 2 on page 45.

Mrs. Kelly inquired as to who decides between the buffer options and does a neighbor have a voice.

Mr. Manhardt inquired as to whether the size requirement applied to the plants being planted or whether growth was allowed during a regulated timeframe.

Mr. Adams stated that the developer decides between the buffering option, but the neighbor can voice his choice during land development. He also noted that there are planting specs that are similar to the required specifications, but some growth is allowed.

Mr. Dugan inquired to the 4-foot on center planting standard.

Mr. Adams stated that the standard is fairly common and allows the plants to grow into a solid screen. He noted that most buffers do not include trees.

Mr. Hite inquired as to whether a berm changes the location of "grade".

Mr. Adams stated ground level.

Mr. Wilson suggested allowing an option that includes a berm.

Mr. Adams stated that, while not an option, a developer could include one with the existing buffer options. He noted that the buffering is required on the more intense use and planting as required on the residential side of the fence.

Mr. Hite stated his preference for a berm option.

Mr. Adams stated that he would add one. He moved to Item 3 on page 50, addressing a comment regarding maintenance standards. He stated that Solicitor Alderfer has voiced her opinion that the Zoning Officer would have the discretion on what is a "reasonable condition" and staff agreed with the concept. He moved to Item 4 on page 55, noting that staff added to Fences for agricultural purposes, a clause noting "including gardening ancillary to a residential use" to address the concern for a residential garden fence.

Mrs. Kelly inquired as to construction fences.

Mr. Adams stated that construction fencing that does not require a footer, primarily the common temporary chain-link fence with feet that is seen on many construction sites. He moved to Item 5 on page 56. He noted that water and sewer for ADUs fall under the Sewage Enforcement Officer's prevue in areas not served by public sewer. He moved to Item 6 on page 56. He noted that dumpsters and PODS are already not permitted in clear-sight triangles and staff has been attempting to remove overlapping Ordinance from the Zoning Ordinance.

Mr. Hite inquired as to extensions for PODS and dumpsters.

Mr. Adams stated that extensions may be granted with the submission of a permit (in a subsequent section). He moved to Item 7 on page 61. He stated that staff added a provision to account for criminal activity. He moved to Item 9 on page 64. He stated that there was a comment regarding the asterisks in the table and staff responded by removing them. He moved to Item 11 on page 67. He stated that there was a comment about fleet vehicles, so staff responded by adding a clause to address that concern. He

moved on to Item 1 in the Resident-Inspired Issues on page 82. He reviewed Item 1 and there were no comments. He moved to Item 2 on page 83.

Mr. Manhardt inquired as to how the proposed ordinance impacts barns.

Mr. Adams stated that staff would review and revise the amendment. He moved on to Item 3 on page 85.

Mr. Dugan inquired as to consistency with the LCCD.

Ms. Harrier stated the PA DEP Nutrient Management Plan would govern.

Mr. Hite inquired as to whether the language adequately informs the resident as to who approves the Nutrient Management Plan.

Mr. Adams stated that staff would make those revisions. He moved to Item 4 on page 87.

Mr. Leuthe pointed out that we must be careful with larger lots, as a large lot could be cut up into smaller lots and result in more impervious surface than a single large lot with a large house. He noted that, over 10,000 square feet of impervious surface, a property owner would be sent to LCCD for an approved stormwater management plan.

Mr. Adams noted that option 6, which permits a special exception approval to exceed the impervious cover limits in the Zoning Ordinance, would allow the large lot owner to exceed the limit with enhanced oversight to protect the neighbors.

Mr. Tallarida stated that the impervious surface issue also includes how developers design their stormwater management systems and how much impervious surface they account for. He noted that in many current developments, developers are under-sizing their systems that force lot owners to create additional BMPs on their lot to account for what would typically be a reasonable amount of impervious surface.

Mr. Adams stated that staff has been discussing a SALDO requirement to have developers design their stormwater management system to the maximum impervious surface as provided for in the Zoning Ordinance. He stated that amending the Zoning Ordinance in a way that is designed to work with a possible SALDO provision is a good start. He stated that staff will continue to discuss the matter and may bring back a revised amendment at the next review.

AGENDA ITEM #7 – TRANSPORTATION INFRASTRUCTURE UPDATE

Mr. Tallarida stated that he is looking at applying for a Traffic Signal Intelligent Timing Grant for the Lincoln Avenue/Hamilton Boulevard intersection.

AGENDA ITEM #8 – COURTESY OF THE FLOOR

None.

AGENDA ITEM #9 – ADJOURNMENT

Chairman Wilson requested a motion to adjourn at 10:09 p.m. Mrs. Kelly made the motion; Mr. Dombach seconded the motion and it passed unanimously.

ADOPTED THIS DATE:

ATTEST:

Secretary

Chairman

**SHREE MATA 4365 TEXT AMENDMENT
ZONING ORDINANCE TEXT AMENDMENT REQUEST 2022-501
ATTACHMENTS**

1. Memorandum
2. Proposed Text Amendment
3. Narrative
4. Applicant Supporting Documentation
 - A. Allentown Morning Call Article “Empty Anchor Stores Challenge Malls’ Creativity”
 - B. Kaplin Stewart Article “Prohibited Uses In Modern Shopping Centers”

TO: PLANNING COMMISSION

FROM: GREGG ADAMS, PLANNER

**SUBJECT: SHREE MATA 4365 TEXT AMENDMENT
ZONING ORDINANCE TEXT AMENDMENT REQUEST 2022-501
REQUEST FOR ZONING ORDINANCE TEXT AMENDMENT REVIEW**

DATE: OCTOBER 14, 2022

**COPIES: BOARD OF COMMISSIONERS, T. PETRUCCI, D. MANHARDT, L. HARRIER,
J. ZATOR, ESQ., J. ALDERFER, ESQ, A. TALLARIDA, S. PIDCOCK,
APPLICANT, SUB. FILE 2022-501**

BACKGROUND:

At the September 7, 2022 Board of Commissioners meeting, the applicant approached the Board of Commissioners to request a Zoning Ordinance Text Amendment to add two new uses to the required majority Uses that define a Shopping Center and to add to Shopping Centers the Off-Street Parking reductions for size currently existing within the Minimum Off-Street Parking Calculations within Coordinated Developments. They presented that the Dorneyville Shopping Center no longer meets the definition of “Shopping Center” within the Zoning Ordinance because Retail Sales and Personal Service Businesses no longer make up the majority of the Primary Use space. They also presented that Coordinated Developments enjoy a reduction of required parking based on size of the Primary Use, while Shopping Centers (a subset of Coordinated Developments) do not. They presented that they are proceeding through the land development process to add a Fast-Food Restaurant pad to their Shopping Center but require a number of variances and/or favorable interpretations from the Zoning Hearing Board in order to proceed. They presented that they met with staff to discuss the options and afterward determined that it would be unlikely to be granted said variances and that requesting a text amendment would be a more reasonable approach. They presented that the aforementioned text amendment would be useful to all Shopping centers within the Township, as all Shopping Centers were experiencing the same market shifts that Dorneyville Shopping Center was experiencing. The Board of Commissioners directed the applicant to pursue both the Text Amendment application to the Planning Commission and the Zoning Appeal application to the Zoning Hearing Board. The applicant had submitted an Appeal application on July 20, 2022. On September 13, 2022, the applicant submitted a Text Amendment application to the Planning Commission.

Staff reminds Planning Commission to consider the implications of the Zoning Ordinance amendment across all Shopping Centers, existing and potential, in the Township when considering the proposed amendment.

ADDITIONAL BACKGROUND AND COMMENTARY:

Prior to 2014, Off-Street Parking Requirements were typically calculated by the Use. In Coordinated Development situations, the Zoning Officer was to keep track of the Off-Street Parking Requirement for every Use within the Coordinated Development as well as the total for all required Off-Street Parking Spaces of all of the Uses within the Coordinated Development, to ensure that the total required Off-Street Parking Spaces did not exceed the number of actual spaces delineated on the site. This grew into such a problem for the Zoning Officer that, in 2014, staff created Shopping Center Off-Street Parking requirements in the 2014 Zoning Ordinance. This new requirement (one space per 225 square feet of Use) was based upon the experience of staff from the prior decade. With the reformation of the Zoning Ordinance in 2017, staff further modified Shopping Centers to define them (within the Coordinated Development family of Uses) and adding Large Off-Street Parking Space and Loading Zone requirements. Considering the cultural changes to Shopping Centers over the last eight years (the reduction of retail space, increase in restaurant space, and general acceptance of health clubs and similar recreational opportunities within Shopping Centers, the generational changes to shopping patterns, and the impact of COVID on shopping patterns), staff is not opposed to the proposed amendments. Staff would like to clarify a portion of the Definition to make clear that the Primary Use area of a Shopping Center should include any vacant space within the Shopping Center, as today's vacant space will likely be occupied at some point and generating traffic that will require parking spaces.

As with all Ordinance amendments:

This text indicates explanations of proposed amendments.

This text indicates existing Ordinance Sections when used for reference or as examples.

This text indicates existing text within proposed amendments.

~~**This text** indicates proposed deletions within proposed amendments.~~

***This text** indicates proposed additions within proposed amendments.*

PROPOSED TEXT AMENDMENT

The existing Section 350-48(s)(8)(A) DEFINITION:

(A) Definition: A specific type of Coordinated Development consisting of a group of at least three (3) of the following uses - Retail Sales, Personal Service Business, Business and Professional Office, Medical Office, bank, Restaurant - which are planned, constructed and managed as one entity of at least 10,000 square feet of gross Primary Use area, where each establishment has an individual entrance from the Parking Area or Street, and where customer and employee parking is shared and provided on-site. Other Primary Uses permitted within the zoning district may be permitted in a Shopping Center so long as the Retail Sales and/or Personal Service Business comprise the majority of the total Primary Use area within the Shopping Center. The regulations for Coordinated Developments also apply to Shopping Centers, unless otherwise specified in Subsection (E) below.

The existing Section 350-48(s)(8)(D) MINIMUM OFF-STREET PARKING CALCULATIONS:

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred twenty five (225) square feet of gross Floor Area, plus 1.0 space for every two hundred twenty-five (225) square feet of exterior display area open to the public, 1 Large parking space for parking areas containing more than 50 Standard spaces. PLUS Off-Street Loading Zones as required by each individual use.

→Staff recommends that Section 350-48(s)(8)(A) DEFINITION be amended as follows:

(A) Definition: A specific type of Coordinated Development consisting of a group of at least three (3) of the following uses - Retail Sales, Personal Service Business, Business and Professional Office, Medical Office, bank, Restaurant, **and Recreational Facility** - which are planned, constructed and managed as one entity of at least 10,000 square feet of gross Primary Use area, where each establishment has an individual entrance from the Parking Area or Street, and where customer and employee parking is shared and provided on-site. Other Primary Uses permitted within the zoning district may be permitted in a Shopping Center so long as the **Restaurant, Recreational Facility**, Retail Sales, and/or Personal Service Business comprise the majority of the total Primary Use area within the Shopping Center (**including vacant space within the Primary Use area**). The regulations for Coordinated Developments also apply to Shopping Centers, unless otherwise specified in Subsection (E) below.

→Staff recommends that Section 350-48(s)(8)(A) DEFINITION be amended as follows:

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred twenty-five (225) square feet of gross Floor Area, plus 1.0 space for every two hundred twenty-five (225) square feet of exterior display area open to the public, 1 Large parking space for parking areas containing more than 50 Standard spaces. PLUS Off-Street Loading Zones as required by each individual use.

(i) For Shopping Centers of 25,000 square feet or more, but less than 75,000 square feet, of primary use area, reduce the parking requirement by 10%

(ii) For Shopping Centers of 75,000 square feet or more of primary use area, reduce the parking requirement by 15%

SHREE MATA, LLC, OWNER OF THE DORNEYVILLE SHOPPING CENTER
REQUESTS THAT THE PLANNING COMMISSION GIVE FAVORABLE
CONSIDERATION TO THE FOLLOWING PROPOSED ZONING ORDINANCE
CHANGES.

What is commonly called the Dorneyville Shopping Center opened in approximately 1964 as the Crossroads Shopping Center and subsequently was owned by Laneco which sold food and a variety of other products.

The property continued in existence until 1999 when the then owner went before the Zoning Hearing Board on a variance request in 1999 (Zoning Application A-14-99). The Zoning Hearing Board again recognized the property known as the "Dorneyville Shopping Center" as a Shopping Center.

Subsequently, the Zoning Ordinance was changed which resulted in a requirement that fifty (50%) percent of a Shopping Center be occupied by certain designated facilities. Under this formula, the Dorneyville Shopping Center is no longer designated as a Shopping Center. The purpose of the proposed Amendment to Section 350-48(s)(8) Paragraph A Definition is to introduce into the definition of a Shopping Center two new uses "Restaurants and Recreation Facilities". This amendment is consistent with Shopping Centers, as we all know them, which are currently populated by these additional facilities.

We also request that you consider changing Section 350-48(s)(8)(D) Minimum Off-Street Parking Requirements as follows;

- (i) For Shopping Centers of 25,000 square feet or more, but less than 75,000 square feet, of primary use area, reduce the parking requirement by 10%.
- (ii) For Shopping Center of 75,000 square feet or more of primary use area, reduce the parking requirement by 15%.

This amendment would revise the Shopping Center Ordinance in a similar fashion as Coordinated Developments where parking demand is expected to reduce for facilities with a larger primary use.

You have received copies of a study made with respect to Shopping Centers which specifically recognizes the significant changes which have occurred in Shopping Centers nationally.

Shree Mata 4365, LLC, owner of the Dorneyville Shopping Center requests that you allow the appropriate Petition to be filed by Dorneyville Shopping Center with the Planning Commissioners to determine if appropriate changes should be made in the Ordinance.



Brian Fulmer raises his arm in the air to demonstrate how high his corn should be at his Juniperdale Farms in Plainfield Township if it weren't for the lack of rain. RICK KINTZEL/THE MORNING CALL PHOTOS

Too little, too late

Heavy rain does little to remove frustrations felt by Lehigh Valley farmers

By Anthony Salamone
The Morning Call

The dry summer in the Lehigh Valley has frustrated many of the area's roughly 840 farmers already dealing with inflation and spiraling costs of fuel, fertilizer and other items.

Tuesday's much-needed rainfall — Lehigh Valley International Airport recorded an official 1.41 inches of rain — helped with drought-like conditions, but it was too little, too late for those whose business relies on the land, area farmers and other items.

"Any rainfall is helpful, but our field corn really needed rain in July and August, when we weren't getting



Fulmer on Friday shows the damage the lack of rain did to the strawberry crop at his Juniperdale Farms in Plainfield Township.

it regularly," said Andrew Frankenfield, a Penn State Extension agronomy educator whose territory includes

the Lehigh Valley. The Valley's farmers typically face a "small window" of time when it comes to

pollination and kernel developing for corn plants, Frankenfield said. Not enough moisture plus constant heat leads to excessive stress to the point where "water is not going to help."

"Everything went through a lot of stress because of heat and drought," Frankenfield said.

The U.S. Drought Monitor said the Valley and much of Pennsylvania is in an "abnormally dry" stage, which means crop growth is stunted, among other things.

Even when rain fell, it wasn't always helpful.

"A lot of farmers happened to be in areas for, whatever reason, the rain was going around them

Turn to Farmers, Page 3

VOWS TO CONTINUE his mother's legacy

By Danica Kirka,
Jill Lawless
and Sylvia Hul
Associated Press

LONDON — King Charles III vowed in his first speech as monarch Friday to carry on Queen Elizabeth II's "lifelong service" with his own modernizing stamp, as Britain entered an uncertain new age under a new sovereign. Around the world, the queen's exceptional reign was commemorated, celebrated and debated.

Charles, who spent much of his 73 years preparing for the role of king, addressed a nation grieving the only British

He takes the throne in an era of unease for both his country and the monarchy itself.

He spoke of his "profound sorrow" over the death of his mother, calling her "an inspiration and example to me and to all my family."

"That promise of lifelong service I renew to all today," he said in the nearly 10-minute address, recorded earlier in the day and delivered with a framed photo of the queen on a desk in front of him.

"As the queen herself did with such unswerving devotion, I, too, now solemnly pledge myself, throughout the remaining time God grants me, to uphold the constitutional

Turn to Pledge, Page 17

Empty anchor stores challenge malls' creativity

There are plenty of choices, real estate experts say, and many don't involve retail

By Evan Jones
The Morning Call

There were a handful of customers in Salisbury Township's South Mall on a recent Wednesday around luncheon time. A couple was munching on slices of pizza from Dino's while others were browsing around South Mall Mercantile.

Two of the mall's anchor stores were locked. Stein Mart left in 2020 and The Bon-Ton closed in 2018. The latter's exterior still

had the look of the original tenant, Hess's, that dates to 1971.

The only thing greeting customers at the darkened doors were "For Lease" signs from The James Ballet Property Group. There was a sign of life in the former Stein Mart — a pop-up Halloween-themed store was stocked and appeared ready to go for the upcoming season.

These sightings became

Turn to Stores, Page 2

'You Belong. You Matter' signs in Nazareth spark controversy

Group sends letter decrying effort; inclusivity organizers hosting open event

By Molly Blinsid
The Morning Call

An inclusivity campaign that has spread throughout the Lehigh Valley is drawing the ire of some Nazareth residents, so organizers decided to strike back by hosting an all-are-welcome event.

The Saturday rally, called Nazareth Together, aims to make every resident feel safe, included and welcome,

said organizer April Gabriel-Ferretti. She and others have been spreading the "You Belong. You Matter" campaign throughout the borough, but last month she and local businesses displaying the sign received a letter from a group called Parents for Choice Nazareth, decrying the effort.

In addition to stating the group is "concerned"



Beth Kner, of Verve Salon and Boutique, stands beside her inclusion signage in Nazareth on Friday. "This is a good thing," Kner said. JANE THERIASE/SPECIAL TO THE MORNING CALL

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Stores

from Page 1

more common in the U.S. and around the world in the last decade as digital retail started growing exponentially. The COVID pandemic only served to speed up the process.

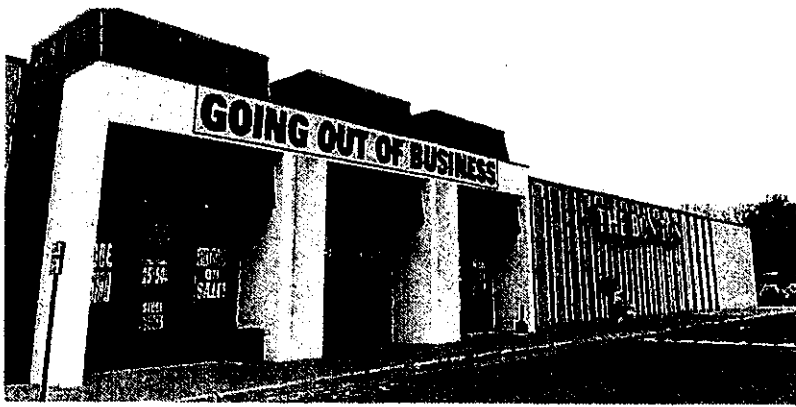
So what's next for these former giant stores?

For Loran Keim, owner of Century 21 Keim Realtors in Allentown and a professor at Lehigh University's College of Business, it's a slight mystery will have to get used to. Many of the vacancies may last 10, perhaps 20, years, Keim said.

"Part of the challenge with any of these shopping centers has been, whether it's a shopping center or mall, is that the number of anchor stores that are out there that can take up space is dwindling," Keim said. "The competition with Amazon is one thing, but then you've also got the problem with the quarantine killing off a lot of these businesses. Anything like a Bon-Ton or a Stein Mart that wasn't able to serve food and beverage and so forth wasn't allowed to be open. So that really cuts into the bottom line."

Another problem is that the demise of anchors trickles down to the smaller stores in the interior.

"I don't think you're ever going to see a solid recovery of most of these anchor stores. So the question is, what do you replace that space with?" Keim said. "And the in-line stores, all the small ones really are dependent unless they're a comic book store that has a draw from a larger area because people who are into that want to go there, or a card shop or something like that. If you don't have that sort of business and



The former Bon-Ton department store in the South Mall on Lehigh Street in Salisbury Township, shortly before it closed in 2018. MIKE GIORELLI/THE MORNING CALL

you're relying on people coming to a mall to shop and browse your store, you need those anchor stores to draw people in."

The challenge

James Balliet, president of the James Balliet Property Group in South Whitehall Township, is handling big-box spaces in the Lehigh Valley and beyond.

His listings include the Bon-Ton and Stein Mart spaces at South Mall, the former Kmart at Bethlehem Plaza; a former Weis Market in Coopersburg; and a closing Kuhn's supermarket in Quakertown along with an adjacent former Bon-Ton. Overall, it totals about 442,000 square feet.

Balliet said getting a new tenant "presents a fairly unique economic challenge."

"The reason boxes in this size range [between 30,000-175,000 square feet] sometimes sit vacant for extended periods of time is a complicated question," he

said. "First, there is a much smaller pool of tenant prospects to fill spaces of that size. Secondly, it is generally quite expensive to retrofit a building that was built nearly 50 years ago for a specific user in mind."

"Kmart stores by example typically cannot accommodate a modern retail concept such as Hume Depot or Giant Foods," Balliet said. "The main systems such as HVAC, electrical, plumbing, floor slabs and fire suppression are much more robust today. Most shopping center owners typically end up splitting and dividing the space into smaller, more leasable storefronts if a large box vacancy is sitting long enough."

The good fight

Overall, Balliet said, the Lehigh Valley has remained strong for retail real estate despite the changes in the market.

"The Lehigh Valley retail real estate sector has bounced back to nearly full

recovery from the COVID-19 dip," he said. "The Lehigh Valley is specifically very strong as our population counts are growing and there is more and more need. We are extremely active with new retail concepts and restaurants seeking space in the area."

While Balliet wasn't sure about the specific amount of vacant retail space in the Valley, he said a majority of it is occupied.

"Most shopping centers we lease locally are running approximately 75%-100% occupied."

One place that's almost completely full is Lehigh Valley Mall. David Simon, chair and CEO of Simon Property Group, which manages and partly owns the Whitehall Township center, is bullish about the future of brick-and-mortar retail.

Indianapolis-based Simon, which also owns the Northmoor King of Prussia Mall in Montgomery County and has interest in more than 200 properties worldwide, said in its 2021 earnings report that it had signed more than 4,100 leases for more than 15 million square feet, which is its highest amount of activity in six years.

"We kicked the crap out of '21. It was an unbelievable year," Simon told analysts and investors on the company's yearly earnings call in February. "We took a bet that the world of bricks-and-mortar was not going to end. We bet on our company. We made the right bet and it produced the results that we wanted to see."

Simon Properties reported in its second-quarter report in August that it had signed more than 2,200 leases for more than 7 million square feet in the first half of 2022.

Lehigh Valley Mall itself is at 94.4% capacity, according to Simon. It's down from 97% in 2019, but up from 91% in 2020.

The National Retail Federation reported that consumers have been returning to stores as the pandemic restrictions were eased. Mastercard Spend-

ingPulse said in-store sales were up 11.1% in July.

In the first six months of 2022, major U.S.-headquartered retailers announced plans to open about 5,080 stores, the NRF reported, about the same as 2021. There were plans to close about 895 stores in the same period, down 63% during the same time last year.

However, most of those announcements have been concentrated in the discount/dollar and off-price sectors, which can be less vulnerable to online competition and less translatable to e-commerce than other areas of retail, the NRF said.

Keim said there will always be a demand for brick-and-mortar stores, but the number will continue to dwindle.

"There's always going to be a component of physical shopping, especially around the holiday season that some people have that need to go out and physically go out and shop," he said. "There's always going to be people who want to touch and feel everything that they buy even 20 years from now, and you'll still see that there are people who still go to old downtowns just to shop because they liked that."

"Unfortunately, it's going to be to a lesser and lesser degree," he said. "And because of that, I think you're going to have the percentage of shopping centers that have department stores and large numbers of stores, it's probably going to dwindle. So many of these sites are gonna have to be repurposed whether they become hospital centers, or they become warehouse/distribution. I think a number of them are gonna go away."

What's next?

Drive by the former Kmart on South Fourth Street in south Allentown and you will find fencing around the parking lot and construction on the building.

A new big-box store? No. "I just don't see the number of anchor stores

coming back," Keim said. Instead, it is being converted into a self-storage facility, which could take up the entire space.

"Many of these stores are going to have to divert to something else," Keim said. "The only other option is, and I don't think this will work, if you take those stores and break them up into smaller units. The problem is, if you look at the footprint for CVS, it's not big enough to be department store-sized, and most of these empty spaces that are creating problems in the shopping centers and malls are really the major player in the anchor store."

Keim says there will be many physical changes to shopping centers. An example is the Promenade at Granite Run, in Middletown Township, Delaware County, which was formerly the Granite Run Mall.

Developer Bruce Toll converted the old mall, which had 125 stores at its peak, to an exterior mall, similar to the Hamilton Crossings in Upper Merion Township or Southmont Plaza in Bethlehem Township.

The new Granite Run includes entertainment venues and luxury apartments, providing constant foot traffic to the stores. A similar concept is Lancaster's Shoppes at Belmont, which is anchored by Target and Whole Foods Market and includes a townhome community in easy walking distance of the stores.

"That shopping center has almost all big-box stores," Keim said of Granite Run. "So creating something like that is outward facing because that seems to be more popular, at least at this point in time. The Lehigh Valley Mall has done that somewhat successfully as well creating some additional stores on the outside. I think you're going to see more of that trying to change the footprint and you're also seeing mixed use coming into a lot of these centers to try and generate that foot traffic."

Even Simon is looking into alternate uses. An empty Lord & Taylor anchor at King of Prussia has been slated to be converted into office space known as the York Factory. Keim said it creates foot traffic that will visit adjacent stores inside the mall.

Balliet said that's the future.

"I do not believe adding non-traditional tenants into retail shopping centers is a trend at all but more so the new reality," Balliet said. "You will find evidence of this across the nation as the medical facilities, churches, fitness centers, vocational schools, etc. take large chunks of space and require retail type locations as consumers demand one-stop shopping convenience."

"Morning Call reporter Evan Jones can be reached at

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NEWS & RESOURCES

Prohibited Uses in the Modern Shopping Center Era

10/28/2016 | [Articles & Alerts](#)

The modern shopping center just ain't what it used to be. Community shopping centers of yester-year were stocked with, perhaps, a grocery store, and then various merchants selling hard and soft goods. Power centers had their pick of multiple tenants for each of the various categories of retail, such as books, electronics, home improvement and office supplies. Today, while grocers still anchor community centers, restaurants and service uses dominate the balance of the tenant line-up. In the declining number of power centers being developed, many of the big-boxes have significantly cut growth, and some have gone by the wayside, leaving only one tenant in a category.

So, then who is leasing space in our shopping centers? Most of the new tenants are those that sell goods and provide services that you can't buy online. Restaurants, health clubs and medical uses are the big space-takers in the current market. These users have provided a great boost to landlords needing to fill their spaces. However, the complication is that these tenants are found on almost every prohibited use list that you find in leases with tenants that have the cache to impose these prohibited uses. The





Big box retailers and supermarkets, who are the tenants that impose prohibited use restrictions, are pretty smart and have a good instinct for self-preservation. They know that a dark shopping center does not help, so it is possible to draft prohibited use clauses to protect the parking field and integrity of the center, while at the same time providing a landlord flexibility to lease its center.

Restaurants have to be permitted. If parking is an issue, designate areas where restaurants are not permitted, and, if necessary, differentiate between restaurants that do and don't overly burden parking. A quick-service restaurant requires much less parking than a 6,000 square foot casual dining restaurant with a liquor license.

Medical uses also need to be permitted. "Doc in a box", dental offices and urgent care centers are moving from office space to retail space. Likewise, "service retail" should not be caught in a restriction on "non-retail" uses. Banks, hair salons, nail salons, stock-brokers, weight loss centers and similar uses, while not selling goods, provide services to the public that draw traffic to shopping centers. If a big box tenant wants some limit, then it is reasonable, and common, to see a limitation on the amount of medical and service retail permitted (such as, not more than "x" percent of the shopping center to be used for these uses).

Lastly, health clubs and gyms not only lease space, but they lease large chunks of space. Health clubs are presumed to take significant parking for long periods of time. However, the reality is that health clubs are busy at times when other retailers aren't; early mornings and later in the evening. However, to assuage the concerns of retailers, health clubs can be limited to designated areas, or landlords can agree to locate the front entrance of a health club in a location that promotes parking away from other retailers' primary parking fields.

Retailing is changing, but with careful planning everyone can get live together in harmony.



**ZONING ORDINANCE AMENDMENT:
ADDING THE REQUIREMENT FOR PLANNING COMMISSION REVIEW FOR ALL NON-
RESIDENTIAL SPECIAL EXCEPTION APPEALS**

ATTACHMENTS

- 1. Memorandum**
- 2. Draft Ordinance Amendment**

TO: PLANNING COMMISSION
FROM: GREGG R. ADAMS, PLANNER
**SUBJECT: ZONING ORDINANCE AMENDMENT FIRST LOOK:
 ADDING THE REQUIREMENT FOR PLANNING COMMISSION REVIEW
 FOR ALL NON-RESIDENTIAL SPECIAL EXCEPTION APPEALS**
DATE: OCTOBER 14, 2022
**COPIES: BOARD OF COMMISSIONERS, T. PETRUCCI, H. BENDER, D.
 MANHARDT, L. HARRIER, J. ZATOR, ESQ., J. ALDERFER, ESQ,
 A. TALLARIDA, S. PIDCOCK**

Background Information:

At least two recent commercial land developments have required Special Exception approval by the Zoning Hearing Board prior to Planning Commission review. Staff has noticed that there is no codified method of providing input to the Zoning Hearing Board with regard to the “reasonable conditions and safeguards” that the Zoning Hearing Board may attach to the Special Exception approval. Staff opined that the Planning Commission may be able to provide the Zoning Hearing Board with valuable insight to the land development implications of the Special Exception approval. Staff has researched surrounding municipalities with regard to the methods utilized to achieve this goal and has incorporated the most applicable language in drafting the proposed amendment.

Staff notes that residential Special Exception approval is required for only one residential Use - Detached Accessory Dwelling Unit. Such a Use does not require land development approval.

Oat their October 5, 2022 meeting, the Board of Commissioners directed staff to move forward with the proposed Zoning Ordinance Amendment.

As with all Ordinance amendments:

This text indicates explanations of proposed amendments.

This text indicates existing Ordinance Sections when used for reference or as examples.

This text indicates existing text within proposed amendments.

~~**This text** indicates proposed deletions within proposed amendments.~~

***This text** indicates proposed additions within proposed amendments.*

The current Zoning Ordinance Section 350-16(i)

SPECIAL EXCEPTIONS

(i) Special Exceptions. It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township, but which uses may be adverse to the public health, safety and general welfare by reason of their inherent nature and/or operation and therefore require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be “Special Exception Uses” and may be permitted upon application to and approval by the Zoning Hearing Board provided said Use is shown as a Special Exception Use in the Zoning District Schedule for the district in which the Use is located. Where this Ordinance has stated Special Exceptions to be granted or denied by the Zoning Hearing Board, the Board shall hear and decide requests for such Special Exceptions in accordance with applicable standards and criteria contained herein. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed by this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance and the laws of the Commonwealth. Standards and criteria for Special Exception uses are as follows. Such Use shall be:

- (1) Consistent with the community development objectives articulated in the Zoning Ordinance (pursuant to Section 606 of the Municipalities Planning Code);
- (2) Consistent with the statement of purpose articulated for the district in which the Use is proposed and promote the harmonious and orderly development of such zoning district;
- (3) Consistent with the South Whitehall Township Comprehensive Plan;
- (4) Conform to all requirements of the Subdivision and Land Development Regulations, Chapter 11, and all other Township regulations and ordinances;
- (5) The design, characteristics and operation of the Use is such that the public health, safety and general welfare will be protected and reasonable consideration is given to, but not limited to, the character of the neighborhood and zoning district, conservation of property values, and traffic safety and road capacities;
- (6) Compatible with the character and type of development existing in the area that surrounds the site and permitted in the underlying zoning district, in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of Buildings and other Structures;
- (7) Compatible with the uses permitted in the surrounding area and permitted in the underlying zoning district, in terms of the Density and/or Intensity of

land Use;

(8) Reflective of sound engineering and land development design and construction principles, practices and techniques;

(9) Provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes;

(10) Provide continuity of existing circulation systems, including roads, sidewalks, and trails;

(11) Provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage;

(12) Each Special Exception Use shall adhere to the minimum standards specified for the particular Use by the applicable regulations of this Ordinance.

The draft Ordinance amendment:

SPECIAL EXCEPTIONS

(i) **Special Exceptions.** It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township, but which uses may be adverse to the public health, safety and general welfare by reason of their inherent nature and/or operation and therefore require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be “Special Exception Uses” and may be permitted upon application to and approval by the Zoning Hearing Board provided said Use is shown as a Special Exception Use in the Zoning District Schedule for the district in which the Use is located. Where this Ordinance has stated Special Exceptions to be granted or denied by the Zoning Hearing Board, the Board shall hear and decide requests for such Special Exceptions in accordance with applicable standards and criteria contained herein. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed by this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance and the laws of the Commonwealth. Standards and criteria for Special Exception uses are as follows.

(1) General Conditions. Such Use shall be:

~~(1A)~~ Consistent with the community development objectives articulated in the Zoning Ordinance (pursuant to Section 606 of the Municipalities Planning Code);

~~(2B)~~ Consistent with the statement of purpose articulated for the district in which the Use is proposed and promote the harmonious and orderly

development of such zoning district;

~~(3C)~~ Consistent with the South Whitehall Township Comprehensive Plan;

~~(4D)~~ Conform to all requirements of the Subdivision and Land Development Regulations, Chapter ~~11~~ **312**, and all other Township regulations and ordinances;

~~(5E)~~ The design, characteristics and operation of the Use is such that the public health, safety and general welfare will be protected and reasonable consideration is given to, but not limited to, the character of the neighborhood and zoning district, conservation of property values, and traffic safety and road capacities;

~~(6F)~~ Compatible with the character and type of development existing in the area that surrounds the site and permitted in the underlying zoning district, in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of Buildings and other Structures;

~~(7G)~~ Compatible with the uses permitted in the surrounding area and permitted in the underlying zoning district, in terms of the Density and/or Intensity of land Use;

~~(8H)~~ Reflective of sound engineering and land development design and construction principles, practices and techniques;

~~(9I)~~ Provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes;

~~(10J)~~ Provide continuity of existing circulation systems, including roads, sidewalks, and trails;

~~(11K)~~ Provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage;

~~(12L)~~ Each Special Exception Use shall adhere to the minimum standards specified for the particular Use by the applicable regulations of this Ordinance.

(2) Planning Commission Review. All non-residential Uses that require a Special Exception review and approval shall adhere to the following requirements:

(A) Special Exception Review for Applications Not Requiring Land Development Review and Approval. Prior to appearing before the Zoning Hearing Board, the applicant shall submit, at a minimum, a Sketch Plan to the Planning Commission for review and comment. The Sketch Plan and any other supporting materials shall be submitted to the Zoning Officer at least twenty-one (21)

days prior to the next regularly-scheduled Planning Commission meeting in order to be properly noticed and placed on the agenda. In order not to incur expenses by any Township third-party reviewing agencies, the Sketch Plan and any supporting materials shall be reviewed only by Township staff and Planning Commission. Should engineering, legal or other third-party reviews be deemed to be required, the applicant shall submit a completed Professional Staff Consultation application, SALDO Sketch Plan application, or similar instrument as required by the Township prior to any third-party review being initiated.

(B) Special Exception Review for Applications Also Requiring Land Development Review and Approval. Prior to appearing before the Zoning Hearing Board, the applicant shall submit a complete Sketch Plan application submission to the Planning Commission for review and comment. The application shall comply with the Sketch Plan requirements within the Subdivision and Land development Ordinance. The applicant shall specify in the application that the purpose of the submission is to generate an Advisory Report to the Zoning Hearing Board for inclusion in the Special Exception application. The Sketch Plan submission may also be reviewed for compliance with the Subdivision and Land Development Ordinance, if warranted.

(B) Advisory Report.

(i) The Advisory Report may include review comments in relation to the needs and growth pattern of the Township and, where appropriate, with reference to the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street truck loading spaces, traffic generation and flow, stormwater management, buffering, and other pertinent features of the site plan.

(ii) The Advisory Report may include a list of recommended of reasonable conditions and safeguards to be attached to the approval of the Special Exception for the Zoning Hearing Board's consideration.

(C) The Planning Commission may recommend to the Board of Commissioners that the Township Solicitor be present to represent the Township at the public hearing held by the Zoning Hearing Board on such application. This shall not be construed to mean that a similar recommendation may not be made by Township staff, nor shall be construed to mean that the Board of Commissioners may not independently require that the Township Solicitor be present to represent the Township at the public hearing held by the Zoning Hearing Board on such application.

(D) The Planning Commission shall file its Advisory Report with the Zoning Officer as soon as practicable, but in no more than forty-five (45) days from the date of the Planning Commission meeting at which the application had been reviewed. Should the Planning Commission not file an Advisory Report within the

above-mentioned forty-five (45) timeframe, the Zoning Hearing Board may elect to continue with the Special Exception Hearing without consideration of the Advisory Report as required by subsection (3) below. This shall not be construed to prohibit the Zoning Hearing Board from considering an Advisory Report submitted after the 45-day submission period and the Zoning Hearing Board may consider an applicable Advisory Report regardless of when submitted.

(E) Consistency of Applications. The Sketch Plan and supporting materials submitted to the Planning Commission from which an Advisory Report is generated shall be consistent with the plan and supporting materials submitted to the Zoning Hearing Board for Special Exception review and approval. Material amendments to the Sketch Plan or supporting materials shall require a re-review and generation of an amended Advisory Report by the Planning Commission. In such case, the time limitation referenced in subsection (D) above shall be applied to the review of the amended Sketch Plan and supporting materials.

(3) The Zoning Hearing Board shall not approve a Special Exception application for a non-residential Use without first having considered an Advisory Report from the Township Planning Commission, except where no Advisory Report is filed with the Zoning Officer as noted in subsection (D) above.

**2022 ZONING ORDINANCE SERVICE PACK 2C
PLANNING COMMISSION FIRST LOOK**

ATTACHMENTS

- 1. Community Development Department Memorandum**
- 2. Excerpt of the Minutes of the July 21, 2022 Planning Commission Meeting**
- 3. Excerpt of the DRAFT Minutes of the September 15, 2022 Planning Commission Meeting**
- 4. Proposed Ordinance Amendments To Date – Zoning Ordinance Service Pack 2C**

TO: PLANNING COMMISSION
FROM: GREGG R. ADAMS, PLANNER
SUBJECT: PLANNING COMMISSION FIRST LOOK
ZONING ORDINANCE SERVICE PACK 2C
DATE: OCTOBER 17, 2022
COPIES: T. PETRUCCI, H. BENDER, D. MANHARDT, L. HARRIER, J. ZATOR, ESQ., J. ALDERFER, ESQ. S. PIDCOCK

Background:

Work on Zoning Ordinance Service Pack 2B was begun in July 2018 and the amendment was adopted on April 1, 2019. Since then, staff has been compiling a list of corrections of typographical errors, clarifications, improvements and minor proposed amendments to the Zoning Ordinance. Staff feels that there are sufficient changes compiled to warrant a third “service pack” amendment.

Staff requests that the Planning Commission review the proposed changes. Any items that the Planning Commission recommends be advanced will be reserved for future advancement to the Board of Commissioners; items that the Planning Commission deems to need work will be reworked and re-presented at a future Planning Commission meeting. Once all items are addressed to the satisfaction of the Planning Commission, they will be packaged and advanced to the Board of Commissioners for review and possible adoption.

The proposed amendments are broken into three categories:

- Typos, Broken References and Obvious Inconsistencies – These are the most critical changes but should be the easiest to understand.
- Staff Suggested Repairs To Improve The Functionality Of The Zoning Ordinance - These are issues that staff has noted over the past several years, repairs to which would improve the functionality of the Zoning Ordinance from a staff use and enforcement perspective. There may be some direction requested for some of these items.
- Resident/Business-Inspired Issues – These are issues inspired by residents or business owners who presented plans or concepts to staff for their review. Some of the proposed amendments were inspired to assist the resident or business owner who proposed what staff opined was a reasonable outcome but were blocked or hindered by the Zoning Ordinance. Others were inspired by proposals that staff opined would or could lead to an undesirable or detrimental outcome. There may be some direction requested for some of these items.

For each proposed amendment, the document details the following:

- The Number and Name of the Section to be amended,
- A general explanation as to what is proposed to be amended and why,
- Where appropriate, a copy of the existing Section,
- And a staff-recommended detail showing the exact language of the amendment proposed within the Section.

At their July 21, 2022 meeting, the Planning Commission reviewed the first two categories of proposed amendments, making no comments to any of the proposed amendments within the first category. Staff skipped the first two proposed amendments of the second category (pages 43 and 45 of the revised package). Planning Commission members made comments regarding amendments 3 (page 50), 4 (page 55), 5 (page 56), 6 (page 57), 7 (page 61), 9 (page 64), and 11 (page 67). The Planning Commission deferred the third category of proposed amendments to a later meeting.

Ahead of the September 15, 2022 Planning Commission meeting, staff revised the first two proposed amendments of the second category and presented them for review and comment. Staff also reviewed the Planning Commission's comments and revised the above-referenced proposed amendments as appropriate.

At their September 15, 2022 meeting, the Planning Commission reviewed the revisions to the amendments discussed at the July meeting, making comments to amendments 2 (page 45) and 6 (page 57). The Planning Commission then reviewed the first four amendments in the third category, to which the Planning Commission made comments to amendments 2 (page 85), 3 (page 87), and 4 (page 89).

Since the September meeting, staff made revisions to the amendments commented upon by the Planning Commission. Staff also made revisions to the second category's amendments 17 (page 79), 18 (page 80) and 19 (page 81) in response to legal and staff comments.

The Planning Commission may notice that the Table of Contents and the Title of each proposed amendment are now in colored fonts. Titles in **Green** indicate that the Planning Commission reviewed the proposed amendment and offered no comments. Staff requests that the Planning Commission review the proposed amendments titled in **Orange** and **Red**. Those titled in **Orange** have been revised in response to comments (Planning Commission, staff or legal). The changes to those amendments since the September meeting are indicated by **Yellow** highlighting. Those in titled in **Red** have not yet been reviewed by Planning Commission.

Respectfully submitted,



Gregg R. Adams, Planner
Community Development Department

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION

MINUTES

JULY 21, 2022

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

David Wilson, Chairman
 Brian Hite, Vice-Chairman
 Trevor Dombach
 Timothy Dugan
 Andrew Flagg

Staff members in attendance:

Gregg Adams, Planner
 Laura Harrier, Zoning Officer
 David Manhardt, Director of Community Development
 Anthony Tallarida, Assistant Township Engineer
 Jennifer Alderfer, Assistant Township Solicitor

AGENDA ITEM #6 – ORDINANCE AMENDMENT

Mr. Adams reviewed the background behind the proposed amendments, noting that staff has been collecting issues with the Zoning Ordinance since the previous Service Pack was adopted in April of 2019. He stated that the proposed amendments were broken down into three categories: Typos, Broken References and Obvious Inconsistencies; Staff Suggested Repairs; and Resident/Business Inspired Issues. He started by reviewing the Typos, Broken References and Obvious Inconsistencies.

There were no substantive questions to the amendments proposed to repair the Typos, Broken References and Obvious Inconsistencies.

Mr. Adams continued into the Staff-Suggested Repairs section. He stated that he would be skipping the first two proposed amendments so that staff could discuss them further before presenting them. Mr. Adams reviewed the proposed amendment to Section 350-42(d) Driveways, noting that the current structure of the Section is haphazard, and that staff is proposing minimal changes to the verbiage while restructuring the layout to be more logical and internally consistent.

Mr. Hite inquired as to the requirement in subsection (d)(3) that driveways be “maintained at least annually.”

Mr. Adams stated that that particular provision would be very difficult to enforce and is being removed.

Mr. Dugan inquired as to what “in a reasonable condition” meant, suggested using “industry standards” instead.

Mr. Adams stated that the language was a bit arbitrary.

Solicitor Alderfer stated that sometime the Township would prefer to have language that would require the interpretation of the Zoning Officer so as to address situations that were not precisely defined.

Chairman Wilson suggested more objective standards be investigated.

Mr. Adams stated that staff would look into more objective standards.

Mr. Dugan inquired as to the meaning of “hard surface treatment”.

Mr. Adams stated that the “hard surface treatment” approved by the Township Engineer, which generally referred to concrete or asphalt, but could include other treatments that could be approved by the Township Engineer.

Mr. Adams moved to the amendment to Section 350-42(f) Fences and Retaining Walls. Explained that, at one time, the Board of Commissioners wanted to remove the burden of permitting smaller fences on residents. He stated that the staff experience since then has been that many issues are occurring and not being caught until they become problems. He noted that staff is recommending that all fences and retaining walls be permitted so that any issues can be caught before they become problems.

Chairman Wilson inquired as to whether a “fence” was defined.

Mr. Dugan inquired as to whether “invisible dog fencing” would require a permit.

Mr. Adams noted that “invisible dog fencing” would not, although it would require a PA1 Call.

Mr. Dugan inquired as to whether a Township-approved fence would give the appearance that the fence would be on the applicant’s property.

Mr. Adams pointed out that the Township requires that applicant to attest to the factual nature of the information submitted on the application. Should the applicant not know of his or her property lines (present factual information) or construct the fence in contradiction of the information presented on the application, the Township may deem the application fraudulent and revoke it.

Ms. Harrier confirmed that the Township does not have the ability to establish property lines.

Mr. Dugan stated his concern that requiring permits for all fences would create more phone calls and questions for Township staff.

Ms. Harrier stated that the requirement would actually cut down on the issues being addressed by Township staff, as it would allow staff to review all fences and

ensure that all potential issues would be caught before the fence was installed, rather than after (as it the case now). She read the definition of “Fence”.

Mr. Dugan inquired as to whether putting stakes in the ground and hanging chicken wire would require a fence permit.

Mr. Adams stated that there are exceptions listed at the bottom page 53.

Mr. Manhardt stated that it sounds like staff should revisit this amendment with respect to definitions and exceptions.

Mr. Flagg inquired as to maintenance responsibilities.

Mr. Manhardt stated that maintenance should fall under the Property Maintenance Code.

Mr. Flagg inquired as to the maintenance requirement for driveways.

Mr. Manhardt stated that there may be overlap between ordinances. He noted that there is also objectivity and that the Zoning Officer and Code Enforcement Officer have some room for interpretation.

Mr. Adams stated that the Zoning Ordinance stipulates that anything not defined within the Ordinance is defined by Webster’s Collegiate Dictionary (latest edition).

Mr. Adams moved to the amendment for Section 350-42(v) Water and Sewer Services, noting that Three-Flats are not mentioned with regard to housing types. He stated that changing the language to “Attached Dwelling Units” addresses the issue.

Mr. Hite inquired as to Accessory Dwelling Units.

Mr. Adams stated that he would check on that and report back.

Mr. Adams then moved to the amendment for Section 350-46(a) Temporary Uses By Right. He explained that a prior Board of Commissioners wanted to remove the permitting burden to local churches and non-profits for their events, however staff has learned that it was impossible to enforce the requirements of the Section if the Township was unaware that the events were occurring in the first place. He stated that staff determined that a permit application that would have the fee automatically waived would be a means by which the Township could be made aware of the event, impose the required conditions on the applicant and yet impose a minimal burden on the applicant.

Mr. Flagg inquired as to potential overreach with regard to the limits on garage sales.

Mr. Adams stated that the Board of Commissioners did impose the limitation, but staff was having great difficulty enforcing the requirements. He noted that there were situations where garage sales were occurring on a constant basis, becoming defacto retail sales within neighborhoods.

Mr. Manhardt stated that staff would have to review the Section for coordination with Code Enforcement. He noted that the subsections are good to have in place in order to enforce the community standards.

Mr. Hite inquired as to portable storage units. He noted that the warehouse near his home stores them all around their property.

Mr. Adams noted that the Warehouse and Distribution regulations and Outdoor Storage regulations would apply.

Mr. Manhardt noted that the residential PODS can stay in perpetuity and become defacto garages.

Mr. Tallarida noted that subsection (g)(2) could be amended to include prohibiting PODS in clear sight triangles.

Mr. Dugan inquired as to the edits to the existing text.

Mr. Adams stated that the edit to the Section is within subsection (A)(i) is the primary change proposed, although there is an edit proposed to Subsection (a)(1)(A)(i)(c) to permit health clinics that are not specifically coordinated by public health officials which resulted from a number of non-public health entities proposing to set up vaccination clinics in parking lots during the COVID outbreak.

Mr. Adams moved to the amendment proposed for Section 350-47(a)(3) adding “accident or Act of God” to the allowance to rebuild a non-conforming building or structure in the same location. He noted that other municipalities include this phrase to prohibit the willful destruction of a non-conforming building or structure in order to replace it in the same location with a new building or structure. He noted that the Section is in place to require properties to move closer to conformance when buildings or structures suffer damage or are removed.

Mr. Hite inquired as to a building that is destroyed as a result of criminal activity not of the fault of the owner (arson an the like).

Mr. Adams stated that staff could look at that situation and make an addition to the amendment. He noted that the Zoning Officer does have some discretion with regard to interpretation, the remedy for which is a visit to the Zoning Hearing Board for their interpretation.

Mr. Adams moved to the amendment proposed for Section 350-48 to clarify the order of precedence for Uses that contain other Uses.

There were no questions or comments.

Mr. Adams moved to the amendment for Section 350-48(d)(1) Dairy and Food Processing and Distribution. He explained that staff is updating the regulations to account for more recent trends in the industry, including a definition, and regulations for accessory/ancillary retail sales onsite.

Mr. Dugan inquired as to the asterisks for Special Exception Uses.

Mr. Adams stated that he would look into that.

Mr. Adams moved to the proposed amendment for Section 350-48(g)(5) Golf Driving Range. He explained that the Driving Range requires seven acres of land. He noted that indoor driving ranges would now be classified as Recreation Facilities, so that the Golf Driving Range should be clarified as “outdoor-only”.

There were no questions.

Mr. Adams moved to the proposed amendment for Section 350-48(m)(9) Motor Vehicle Service Facility. He explained that the Use’s primary defining characteristic is the dispensing of vehicle fuel, but that the inclusion of the word “secondarily” could allow the interpretation that the dispensing of vehicle fuel could be included in other primary uses. Staff wishes to make clear that any Use that dispenses vehicle fuel is a Motor Vehicle Service Station. He also noted that a further clarification proposed is to clarify that the Use is open to the general public and not a private facility serving fleet vehicles.

Mr. Dugan inquired as to whether the word “exclusively” could be added to “in support of fleet vehicles”.

Mr. Adams agreed.

Mr. Manhardt suggested that, in the future, adding a specific Use for Wawa-like Uses.

Mr. Adams moved to the proposed amendment to Section 350-48(o)(2) Off-Street Parking. He explained that there is a definite line between off-street parking for residential Uses and for non-residential Uses. He stated that the amendment proposes to change little, but to reorganize the subsections into a residential subsection and a non-residential subsection.

Mr. Dugan inquired as whether driveways are counted as parking spaces.

Mr. Adams explained that driveways on private property are considered both driveways and parking spaces.

Mr. Adams moved to the proposed amendment to Section 350-48(o)(2) to remove the prohibition from indented parking spaces. He explained that the Zoning Ordinance does not regulate the public right-of-way and should be removed.

There were no questions.

Mr. Adams moved to the proposed amendment to Section 350-48(o)(2) Parking Design Standards to require pedestrian safety measures in all parking lots over 30,000 square feet. He noted that the Zoning Officer has the discretion to determine a safe route.

There were no questions.

Mr. Adams moved to the proposed amendment to Section 350-48(p)(2) Personal Service Businesses to clarify that laundromats are included in Personal Service

Businesses. He explained that the sentence structure could allow an interpretation that laundromats are not included within Personal Service Business, and that staff proposes to revise the sentence to make clear that Laundromats are included within Personal Service Business.

There were no questions.

Mr. Adams moved to the proposed amendment to Section 350-48(s)(10) to clarify Drive-Thru Menu Boards. He explained that the term “Drive-Thru Menu Board” will be added for clarification.

Mr. Hite inquired as to whether the one menu board is included per drive thru lane.

Mr. Adams stated that the regulation applies to the lot, not the lane.

Mr. Adams moved to the proposed amendment to Section 350-48(s)10 for Temporary Event Signs. He explained that the current regulations do not specifically define what is a Temporary Event is, therefore, it has been difficult to enforce this section. He stated that tying this Section to Section 350-46 better defines “Temporary Events”. He also noted that staff is proposing to add three additional limitation on Temporary Event Signs.

Mr. Hite inquired as to whether lettering on a POD is considered to be a sign.

Ms. Harrier stated that she’d not been asked that question before.

Mr. Manhardt noted that sometimes a vehicle that doesn’t move over a reasonable timeframe may be considered a sign.

Solicitor Alderfer suggested reviewing the proposed amendment to subsection (c), should the earlier proposed amendment also be passed.

Mr. Adams noted the suggestion.

Mr. Adams moved to the proposed amendment to Section 350-48(s)(10) clarifying regulations for flags. He explained that the LVPC has mentioned amending this Section several times while reviewing amendments of nearby Sections. He stated that staff is proposing the removal of the troublesome portions and the addition of a safety provision.

There were no questions.

Mr. Adams moved to the proposed amendment to Section 350-48(s)(10) General Sign Regulations to clarify the regulations for signs at grand openings. He explained that grand openings are not well defined, and that staff proposes to tie the regulations to Temporary Uses to better define grand openings. He also noted that there was an inconsistency between the length of the grand opening and the length of time the grand opening signs were permitted.

Ms. Harrier noted that businesses are trying to get around the Township prohibitions against banners and flags by using grand openings.

Mr. Hite inquired as to whether the seven days refers to calendar days or business days.

Ms. Harrier stated seven calendar days.

Mr. Adams thanked the Commission members for their attention and suggested that they could email him with any questions that they may have with any of the proposed amendments.

ADOPTED THIS DATE: August 18, 2022

ATTEST:

Secretary

Chairman

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION**MINUTES****SEPTEMBER 15, 2022**

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

David Wilson, Chairman
 Brian Hite, Vice-Chairman
 Mark Leuthe, Secretary
 Trevor Dombach
 Timothy Dugan
 Andrew Flagg
 Diane E. Kelly

Staff members in attendance:

Gregg Adams, Planner
 Laura Harrier, Zoning Officer
 David Manhardt, Director of Community Development
 Anthony Tallarida, Assistant Township Engineer
 Jennifer Alderfer, Assistant Township Solicitor
 Leo DeVito, Alternate Township Solicitor

AGENDA ITEM #6 – ZONING ORDINANCE SERVICE PACK 2C

Mr. Adams reviewed the state of the Zoning ordinance Service Pack 2C review to date. He stated that the Planning Commission has reviewed the first two categories of amendments to date but did have a number of comments on some of the amendments.

Mrs. Kelly inquired as to why the R-10 bulk criteria for Townhouse and Three Flats was chosen in the HC zoning district.

Mr. Adams stated that the HC zone is a commercial that has some residential components. He noted that the original criteria listed appears to have been a copy-and-paste error which showed bulk criteria for a completely different type of Use - perhaps larger Townhouse criteria for the Three-Flat and a smaller Townhouse criteria for the Townhouse. He also noted that the Max Units Per Acre requirement is only utilized in Apartment Buildings, as they can build higher than the other residential Uses.

Mrs. Kelly inquired as to whether the Retirement Facility in the middle of the page replaces Restaurant or Stormwater Management.

Mr. Adams stated that Retirement Facility is proposed to be inserted between the two Uses listed, for alphabetical order.

Mr. Adams stated reviewing the second category amendments, starting with Item 1 on page 43. He reviewed the proposed amendment and there were no comments. He moved to Item 2 on page 45.

Mrs. Kelly inquired as to who decides between the buffer options and does a neighbor have a voice.

Mr. Manhardt inquired as to whether the size requirement applied to the plants being planted or whether growth was allowed during a regulated timeframe.

Mr. Adams stated that the developer decides between the buffering option, but the neighbor can voice his choice during land development. He also noted that there are planting specs that are similar to the required specifications, but some growth is allowed.

Mr. Dugan inquired to the 4-foot on center planting standard.

Mr. Adams stated that the standard is fairly common and allows the plants to grow into a solid screen. He noted that most buffers do not include trees.

Mr. Hite inquired as to whether a berm changes the location of "grade".

Mr. Adams stated ground level.

Mr. Wilson suggested allowing an option that includes a berm.

Mr. Adams stated that, while not an option, a developer could include one with the existing buffer options. He noted that the buffering is required on the more intense use and planting as required on the residential side of the fence.

Mr. Hite stated his preference for a berm option.

Mr. Adams stated that he would add one. He moved to Item 3 on page 50, addressing a comment regarding maintenance standards. He stated that Solicitor Alderfer has voiced her opinion that the Zoning Officer would have the discretion on what is a "reasonable condition" and staff agreed with the concept. He moved to Item 4 on page 55, noting that staff added to Fences for agricultural purposes, a clause noting "including gardening ancillary to a residential use" to address the concern for a residential garden fence.

Mrs. Kelly inquired as to construction fences.

Mr. Adams stated that construction fencing that does not require a footer, primarily the common temporary chain-link fence with feet that is seen on many construction sites. He moved to Item 5 on page 56. He noted that water and sewer for ADUs fall under the Sewage Enforcement Officer's prevue in areas not served by public sewer. He moved to Item 6 on page 56. He noted that dumpsters and PODS are already not permitted in clear-sight triangles and staff has been attempting to remove overlapping Ordinance from the Zoning Ordinance.

Mr. Hite inquired as to extensions for PODS and dumpsters.

Mr. Adams stated that extensions may be granted with the submission of a permit (in a subsequent section). He moved to Item 7 on page 61. He stated that staff added a provision to account for criminal activity. He moved to Item 9 on page 64. He stated that there was a comment regarding the asterisks in the table and staff responded by removing them. He moved to Item 11 on page 67. He stated that there was a comment about fleet vehicles, so staff responded by adding a clause to address that concern. He moved on to Item 1 in the Resident-Inspired Issues on page 82. He reviewed Item 1 and there were no comments. He moved to Item 2 on page 83.

Mr. Manhardt inquired as to how the proposed ordinance impacts barns.

Mr. Adams stated that staff would review and revise the amendment. He moved on to Item 3 on page 85.

Mr. Dugan inquired as to consistency with the LCCD.

Ms. Harrier stated the PA DEP Nutrient Management Plan would govern.

Mr. Hite inquired as to whether the language adequately informs the resident as to who approves the Nutrient Management Plan.

Mr. Adams stated that staff would make those revisions. He moved to Item 4 on page 87.

Mr. Leuthe pointed out that we must be careful with larger lots, as a large lot could be cut up into smaller lots and result in more impervious surface than a single large lot with a large house. He noted that, over 10,000 square feet of impervious surface, a property owner would be sent to LCCD for an approved stormwater management plan.

Mr. Adams noted that option 6, which permits a special exception approval to exceed the impervious cover limits in the Zoning Ordinance, would allow the large lot owner to exceed the limit with enhanced oversight to protect the neighbors.

Mr. Tallarida stated that the impervious surface issue also includes how developers design their stormwater management systems and how much impervious surface they account for. He noted that in many current developments, developers are under-sizing their systems that force lot owners to create additional BMPs on their lot to account for what would typically be a reasonable amount of impervious surface.

Mr. Adams stated that staff has been discussing a SALDO requirement to have developers design their stormwater management system to the maximum impervious surface as provided for in the Zoning Ordinance. He stated that amending the Zoning Ordinance in a way that is designed to work with a possible SALDO provision is a good start. He stated that staff will continue to discuss the matter and may bring back a revised amendment at the next review.

ADOPTED THIS DATE:

ATTEST:

Secretary

Chairman

PROPOSED ZONING ORDINANCE AMENDMENTS TO DATE ZONING ORDINANCE SERVICE PACK 2C October 17, 2022

Amendment Title Color Coding:

GREEN indicates a reviewed Amendment with no comments

ORANGE indicates a reviewed Amendment amended to address Planning Commission comments

RED indicates an unreviewed Amendment

YELLOW HIGHLIGHTS indicate text changed since the last review

This text indicates explanations of proposed amendments.

This text indicates existing Ordinance Sections when used for reference or as examples.

This text indicates existing text within proposed amendments.

~~**This text** indicates proposed deletions within proposed amendments.~~

This text indicates proposed additions within proposed amendments.

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5. Amend Section 350-42(v) Water And Sewer Services To Correct The Residential Housing Types So Listed	56
6. Amend Section 350-46(a) Temporary Uses By Right	57
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RESIDENT/BUSINESS-INSPIRED ISSUES

- | | |
|---|------------|
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**TYPOS, BROKEN
REFERENCES, AND
OBVIOUS
INCONSISTENCIES**

1. Amend Section 350-05(c) DEFINITIONS To Correct An Incorrect

Reference: Staff noticed that the definition of PRIMARY BUILDING/PRIMARY USE referenced the Use Schedule for Coordinated Development but listed the incorrect Section. Staff opined that this discrepancy was an uncorrected holdover from an earlier Zoning Ordinance and should be corrected.

→Staff recommends that the definition of PRIMARY BUILDING/PRIMARY USE be amended as follows:

PRIMARY BUILDING/PRIMARY USE - A Use permitted by right provided said Use is shown as a Primary Use in the Zoning District Schedule for the district in which the Use is located and the Use is in conformance with all other provisions of this Ordinance. No more than one (1) Primary Use shall be permitted on a Lot, unless otherwise specified herein, such as but not limited to Section 350-31 Innovation Overlay Districts, Section 350-48(c)(~~10~~**11**) Coordinated Developments, Section 350-05 Definitions for Mixed-Use, Retirement Facility, Shopping Center, etc.

2. Amend “CHILD DAYCARE CENTER” to “DAYCARE CENTER” to Maintain Consistency with the Use Schedule:

Staff noticed that the Use “Daycare Center” is listed as “Child Daycare Center” within a number of Zoning District Schedules. Staff opined that this discrepancy was an uncorrected holdover from an earlier Zoning Ordinance and should be corrected.

→Staff recommends that “Child Daycare Center” be amended to “Daycare Center” in the following locations:

Section 350-24(c)(9) Neighborhood Commercial NC Zoning District Schedule Primary Uses.

Section 350-24(c)(9) Neighborhood Commercial NC Zoning District Schedule Non-Residential Accessory Uses.

Section 350-24(c)(10) Office Commercial OC Zoning District Schedule Primary Uses.

Section 350-24(c)(11) General Commercial GC Zoning District Schedule Primary Uses.

Section 350-24(c)(12) General Commercial-1 GC-1 Zoning District Schedule Primary Uses.

Section 350-24(c)(13) Highway Commercial HC Zoning District Schedule Primary Uses.

Section 350-24(c)(14) Highway Commercial-1 HC-1 Zoning District Schedule Primary Uses.

Section 350-24(c)(16) Industrial Commercial-1 IC-1 Zoning District Schedule Primary Uses.

Section 350-31(f)(2)(C)(i)(f)(1)(C) TND Residential Cluster Permitted Uses.

Section 350-48(c)(12)(E)(ii) Correctional Facility Use Schedule

3. Amend Sections 350-24(c)(1) RR-1 ZONING DISTRICT SCHEDULE and 350-24(c)(2) RR-2 ZONING DISTRICT SCHEDULE to Maintain Consistency With Section 350-48(p)(3) PET SHOP:

Staff noticed that the Use “Pet Shop” was listed both as a Special Exception Use within the Pet Shop Use Schedule Section 350-48(p)(3), but not within the RR-2 and RR-3 Rural Residential Zoning District Schedules. Staff opined that the Use Schedule is correct, and the bulk criteria should be added to the RR-3 and RR-2 Rural Residential Zoning District Schedules under Special Exception Uses.

The existing Section 350-48(p)(3)(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X			X
Accessory																	
Special Exception	X	X															
Conditional Use																	

→Staff recommends that Sections 350-24(c)(1) RR-3 ZONING DISTRICT SCHEDULE and 350-24(c)(2)RR-2 ZONING DISTRICT SCHEDULE be amended to add the following at the alphabetically-appropriate location in the Special Exception Use table:

<i>Pet Shop</i>		<i>3 acres</i>	<i>200</i>	<i>75</i>	<i>50</i>	<i>50</i>	<i>35</i>
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4. Amend Section 350-24(c)(3) RR ZONING DISTRICT SCHEDULE to Maintain Consistency With Section 350-48(w)(7) WIND ENERGY SYSTEMS, SMALL ROOF-MOUNTED:

Staff noticed that the Use “Wind Energy Systems, Small Roof-Mounted” is shown as a Special Exception Use in the RR Zoning District Schedule but as an Accessory Use in the Wind Energy Systems, Small Roof-Mounted Use Schedule. Staff opined that the RR Zoning District Schedule should be amended to delete the Special Exception Use “Wind Energy Systems, Small Roof-Mounted”. Staff also noticed that the Non-Residential Accessory Use Schedule shows an incorrect reference within the “Small Wind Energy Systems (Roof-Mounted)” and does not show the Accessory Use “Wind Energy Systems, Small Free-Standing”. Staff opined that these items should be corrected.

The existing Section 350-48(w)(7)(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

The existing Section 350-24(c)(3) RR ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION USES:

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Units, Detached	Subject to provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Bed and Breakfast	Subject to provisions of Section 350-48(B)(2)							
Clubhouse or Lodge		3 acres	200	75	50	50		35
Commercial Camp		25 acres	500	100	50	50		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Crematorium		6 acres	200	75	50	50		35
Hospital <small>see Section 350-48(h)(4)</small>		1 acre	200	75	25	25		70
Recreation, Low Intensity		10 acres	200	75	50	50		35
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50
Rod and Gun Clubs		25 acres	500	100	100	100		35
Stables, with or without Riding Trails		10 acres	500	100	75	75		35
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

→Staff recommends that Section 350-24(c)(3) RR ZONING DISTRICT SCHEDULE be amended to delete the WIND ENERGY, SMALL ROOF-MOUNTED entry in the Special Exception Use table:

Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)
---	--

The existing Section 350-24(c)(3) RR ZONING DISTRICT SCHEDULE NON-RESIDENTIAL ACCESSORY USES:

ACCESSORY USES, Non-Residential							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)						
Community Mailbox Structure			2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)						
Farm Outbuilding			75	25	25		50
Farm Roadside Stand			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)						
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)						
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)						
Open Space							
Signs			10	25	25		25
Small Wind Energy Systems (Roof-mounted)	Subject to the provisions of Section 350-48(w)(6)						
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)						
Storage Building			(1)	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)						

→Staff recommends that Section 350-24(c)(3) RR ZONING DISTRICT SCHEDULE be amended to delete the “SMALL WIND ENERGY SYSTEMS (ROOF-MOUNTED)” entry in the Non-Residential Accessory Uses Use table and add the WIND ENERGY SYSTEM, SMALL FREE-STANDING USE and the WIND ENERGY SYSTEM, SMALL ROOF-MOUNTED, as follows:

ACCESSORY USES, Non-Residential							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)						
Community Mailbox Structure			2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)						
Farm Outbuilding			75	25	25		50
Farm Roadside Stand			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)						
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)						
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)						
Open Space							
Signs			10	25	25		25
Small Wind Energy Systems (Roof-mounted)	Subject to the provisions of Section 350-48(w)(6)						
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)						
Storage Building			(1)	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)						
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)						
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)						

Staff would like to revisit the Wind and Solar Energy regulations with an eye toward changing most or all of the Permitted Uses to Special Exception Uses.

5. Amend Section 350-24(c)(7) R-5 ZONING DISTRICT SCHEDULE to Maintain Consistency With Section 350-48(s)(12) SOLAR ENERGY SYSTEM, NON-RESIDENTIAL: Staff noticed that the Use “Solar Energy System, Non-Residential” is listed as a Special Exception Use within the R-5 Zoning District Schedule. Staff opined that this discrepancy was an uncorrected holdover from an earlier Zoning Ordinance and should be corrected.

The existing Section 350-24(c)(7) R-5 ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION Uses

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
SPECIAL EXCEPTION USES								
Accessory Dwelling Unit, Detached	Subject to the provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Non-residential Solar Energy Systems	Subject to the provisions of Section 350-48(s)(12)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

→Staff recommends that Section 350-24(c)(7) R-5 ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION Uses be amended to delete “Non-residential Solar Energy Systems” listing within the Special Exception Use table.

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
SPECIAL EXCEPTION USES								
Accessory Dwelling Unit, Detached	Subject to the provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Non-residential Solar Energy Systems	Subject to the provisions of Section 350-48(s)(12)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

6. Amend Sections 350-24(c)(7) R-5 ZONING DISTRICT SCHEDULE and 350-24(c)(8) R-10 ZONING DISTRICT SCHEDULE to Amend

Note #20: Staff noticed that Note #20, which refers to pre-existing Townhouse developments wherein the rear-yard setbacks were approved at thirty (30) feet does not include the large pre-existing development “Blue Barn Meadows”. Staff opines that this is because “Blue Barn Meadows” was dormant and not expected to be constructed when this Note was written. Since the adoption of this Ordinance, “Blue Barn Meadows” has begun construction. Staff opines that it should be included within the list of pre-existing Townhouse developments listed within Note #20.

The existing Note #20:

- ⑳ Townhouse in subdivisions approved between April 17, 1974 and September 1, 2014 (including Twin Grove, Clifford Park, Wedgewood Park, Vistas At Green Hills, Ruth Court) shall be subject to 30 foot rear setbacks.

→Staff recommends that Note #20 within the following Sections:

350-24(c)(7) R-5 ZONING DISTRICT SCHEDULE PRIMARY USES

350-24(c)(7) R-5 ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION USES

350-24(c)(8) R-10 ZONING DISTRICT SCHEDULE PRIMARY USES

and 350-24(c)(10) R-10 ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION USES

be amended as follows:

- ⑳ Townhouse in subdivisions approved between April 17, 1974, and September 1, 2014 (including Twin Grove, Clifford Park, Wedgewood Park, *Blue Barn Meadows*, Vistas At Green Hills, Ruth Court) shall be subject to 30 foot rear setbacks.

7. Amend Section 350-24(c)(11) G-C ZONING DISTRICT SCHEDULE to Maintain Consistency With Section 350-48(w)(4) WHOLESALE SALES:

SALES: Staff noticed that the Use “Wholesale Sales” is listed as “Wholesale Sales (with or without incidental retail sales)” within the Primary Uses and Special Exception Table of the G-C Zoning District Schedule. Staff opined that this discrepancy was an uncorrected holdover from an earlier Zoning Ordinance and should be corrected.

The existing Section 350-24(c)(11) G-C ZONING DISTRICT SCHEDULE PRIMARY Uses:

PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Body Art Establishment Business and Professional Office Child Day Care Center Flex Space (75,000 sq ft or less) Forestry Medical Office Mixed-Use Building Nightclub		Office Park Personal Service Business Pet Shop Recreation Facility Restaurant, Fast Food Restaurant, Sit-Down Retail Sales (75,000 sq ft or less) School, Commercial and/or Trade School, Massage						Self-Storage Facility Service Business (75,000 sq ft or less) Shopping Center Short Stay Medical Center Veterinarian’s Office Wholesale Sales, with or without Incidental Retail Sales (75,000 sq ft or less)

The existing Section 350-24(c)(11) G-C ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION Uses:

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Flex Space (greater than 75,000 sq ft) Motor Vehicle Service Facility Recreation, High Intensity								Retail Sales and Service (greater than 75,000 sq ft) Service Business (greater than 75,000 sq ft) Wholesale Sales (greater than 75,000 sq ft)

→Staff recommends that Section 350-24(c)(11) G-C ZONING DISTRICT SCHEDULE PRIMARY and SPECIAL EXCEPTION Use Schedules be amended to delete “(with or without incidental retail sales)” from the “Wholesale Sales” listing.

8. Amend Section 350-24(c)(12) GC-1 ZONING DISTRICT SCHEDULE to Maintain Consistency With Section 350-48(r)(9) RETAIL SALES:

Staff noticed that the Use “Retail Sales” is listed as “Retail Sales and Service” within the Special Exception Table of the GC-1 Zoning District Schedule. Staff opined that this discrepancy was an uncorrected holdover from an earlier Zoning Ordinance and should be corrected.

The existing Section 350-24(c)(12) GC-1 ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION Uses

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
SPECIAL EXCEPTION USES Adult Entertainment Establishment (4) Flex Space (greater than 75,000 sq ft) Motor Vehicle Service Facility Recreation, High Intensity		Retail Sales and Service (greater than 75,000 sq ft) Service Business (greater than 75,000 sq ft) Wholesale Sales (greater than 75,000 sq ft)						

→Staff recommends that Section 350-24(c)(12) GC-1 ZONING DISTRICT SCHEDULE be amended to delete “~~and Service~~” from the “Retail Sales and Service” listing within the SPECIAL EXCEPTION Use Schedule.

9. Amend Section 350-24(c)(14) HIGHWAY COMMERCIAL ZONING DISTRICT SCHEDULE to Amend Bulk Criteria Standards for Three-Flats and Townhomes:

Staff noted that the area, frontage and setback requirements for Three-Flats within the Primary Uses Section of the HC-1 Uses Permitted Uses table were not compatible with the Use, notably that the Minimum Frontage requirement of 30 feet would not work with the required 20-foot side yard setbacks. Staff also noticed that the bulk criteria for Townhomes was also not up to current standards for the use. Staff opined that more realistic standards based upon the R-10 bulk criteria standards should be put in place.

The current Section 350-24(c)(14) HIGHWAY COMMERCIAL ZONING DISTRICT SCHEDULE:

PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Three-flat	12	3,600 sq. ft.	30	30	20	30	3	35
Townhouse (each dwelling unit)		2,400 sq. ft.	20	30	5 ⑥	30	8	35

→Staff recommends that Section 350-24(c)(14) HIGHWAY COMMERCIAL ZONING DISTRICT SCHEDULE be amended by replacing the existing Three-Flat and Townhouse bulk criteria line with the following Three-Flat and Townhouse bulk criteria lines:

PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
<i>Three-flat</i>	12	3,600 12,000 <i>sq. ft.</i>	30 100	30 25	20 10	30 25	3	35
<i>Three-flat with Alley Frontage*</i>		8,400 <i>sq. ft.</i>	70	15	15	60	3	35
<i>Townhouse (each dwelling unit)</i>		2,400 2,800 <i>sq. ft.</i>	20	30 10	5 ⑥	30 60	8	35

10. Amend Section 350-24(c)(14) HC-1 Zoning District Schedule to Maintain Consistency With Section 350-48(o)(5) OFFICE PARK:

Staff noticed that the Use “Office Park” was listed both as a Primary Use and a Special Exception Use within the HC-1 Zoning District Schedules. Staff opined that the Special Exception Use was inconsistent and should be eliminated, retaining only the Primary Use.

The existing Section 350-48(o)(5)(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X		X	
Accessory																	
Special Exception																	
Conditional Use																	

The existing Section 350-24(c)(14) HC-1 ZONING DISTRICT SCHEDULE SPECIAL EXCEPTION USES:

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Flex Space (greater than 75,000 sq ft) Hospital Motor Vehicle Repair Facility Motor Vehicle Service Facility Office Park								
		Outdoor Storage Recreation, High Intensity Retail Sales (greater than 75,000 SF) Service Business (greater than 75,000 sq ft) Wholesale Sales (greater than 75,000 sq ft)						

→Staff recommends that Section 350-24(c)(14) be amended to remove Office Park as a Special Exception Use:

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Flex Space (greater than 75,000 sq ft) Hospital Motor Vehicle Repair Facility Motor Vehicle Service Facility Office Park								
		Outdoor Storage Recreation, High Intensity Retail Sales (greater than 75,000 SF) Service Business (greater than 75,000 sq ft) Wholesale Sales (greater than 75,000 sq ft)						

12. Amend Section 350-31(f)(1)(C)(i) TND NEIGHBORHOOD INFILL DEVELOPMENT OVERLAY DISTRICT to Correct the “The following Area and Bulk regulations shall apply:” Table: Staff noted that the table below subsection (i) contains numbering within the Primary Use column that appears to be inconsistent with the Section and the Zoning Map. Staff recommends the numbering be corrected.

→Staff recommends that Section 350-31(f)(1)(C)(i) be amended as follows:

Primary Use	Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Build-to Line (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)
§ 1a: Broadway-Residential Uses	Single detached Dwelling: 4,800 Twin: 2,400 Two-Flat: 4,800 Apartment only per Section 350-31(f)(1)(B)	40 30 40	10	10	30
§ 1a: Broadway-Nonresidential Uses	5,000	60	10	10	30
§ 1b: Greenawalds-Residential Uses	Single detached Dwelling: 7,800 Twin: 3,900	65 32	15-20	6	30
§ 1b: Greenawalds-Non-Residential Uses	10,000	80	15-20	10	30
§ 1c: Clifford Park Area-Residential Uses	Single detached Dwelling: 7,200 Twin: 3,600 Townhouse: 2,200 Apartment: 1,500/unit	60 30 20 100	25	8	30
§ 1c: Clifford Park Area-Non-Residential Uses (in residential districts)	10,000	80	25	12	30

- 13. Amend Section 350-31(f)(3)(C)(ii)(c) TND RETROFIT COMMERCIAL OVERLAY DISTRICT OFF-STREET PARKING to Correct Broken References:** Staff noted a number of incorrect references within the Section. Staff recommends that they be corrected to be consistent within the Ordinance.

→Staff recommends that Section 350-31(f)(3)(C)(ii)(c) be amended as follows:

(c) Off-Street Parking: the requirements for Off-Street Parking for the non-residential uses are to be determined as a Coordinated Development, see Section ~~350-48(c)(10)~~ **350-48(c)(11)**. For the purposes of this Section 350-31(f)(3), delineated Parking Spaces on Public or Private Streets fronted by the tract developed under this Section ~~350-29(f)(3)~~ **350-31(f)(3)** shall count as Off-Street Parking Spaces.

14. Amend Section 350-31(f)(3)(E)(vi) TND COMMERCIAL RETROFIT OVERLAY DISTRICT to Correct an Incorrect Numbering: Staff noticed that the above-mentioned Section follows subsection (iii) and is followed by subsection (v). Staff opines that the correct subsection number is (iv) and recommends that it be fixed.

→Staff recommends that Section 350-31(f)(3)(E)(~~vi~~) be amended to Section 350-31(f)(3)(E)(*iv*).

15. Repair Broken References to Section 350-41: With the consolidation of Special Exception Uses, Conditional Uses, Temporary Uses, and Non-Conforming Uses into one Section for each, a number of broken references were created. Staff recommends that these broken references be repaired.

→Staff recommends that the definition of “Conditional Use” within Section 350-05(d) Definitions be amended as follows:

CONDITIONAL USE – A Use which may not be appropriate to a particular Zoning District as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional Uses are reviewed by the Board of Commissioners in accordance with Sections 350-18 and ~~350-41(e)~~.

→Staff recommends that Section 350-18(c)(3)(I) be amended as follows:

(I) Any other information needed in order to review compliance with the General Standards listed in Section ~~350-41(e)~~ **350-18(b)** or Specific Standards listed in Sections 350-30 or in 350-48, as applicable.

→Staff recommends that Section 350-24(a) DEFINITIONS USED IN THE SCHEDULE be amended as follows:

(a) Definitions Used in the Schedules. Districts are defined in Section 350-21. Classification of uses are defined in Sections ~~350-41~~ **350-05(d) Definitions, 350-16(i) Special Exceptions, 350-18 The Granting of Conditional Uses, 350-46 Temporary Uses in All Districts, and 350-47 Non-Conforming Structures, Buildings, Lots and Uses in All Districts.** ~~and d~~ Definitions of specific uses are contained in Sections 350-05 **and 350-48.**

→Staff recommends that Section 350-24(c)(11) General Commercial G-C Primary Uses Zoning District Schedule be amended as follows:

Bed and Breakfast	Subject to provisions of Section 350- 41(j) 48(b)(2)
-------------------	--

→Staff recommends that Sections 350-31(e)(1) and (2) be amended as follows:

(e) Applicability.

(1) Application of the Neighborhood Infill Innovation Overlay District for residential uses shall be permitted by-right. Nonresidential uses in the Neighborhood Infill Overlay District shall be permitted as a Conditional Use approved by the Board of Commissioners in accordance with Section 350-18 ~~and 350-41(e)~~.

(2) Application of the TND Innovation Overlay Districts provisions is optional and shall be available to applicants meeting the eligibility criteria contained in each Overlay District and with Conditional Use approval by the Board of Commissioners in accordance with the specific standards contained herein and the general standards set forth in Section ~~350-41(e)~~ **350-18(b)**. A Sketch Plan submission shall be required for all Land Developments that utilize the TND Innovation Overlay District regulations that require a Conditional Use review and approval.

→Staff recommends that Section 350-48(a)(2)(E) ACCESSORY DWELLING UNIT, ATTACHED be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Detached Accessory Dwelling Units shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that 350-48(a)(3)(E) ACCESSORY DWELLING UNIT, EMPLOYEE be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Employee Accessory Dwelling Units shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(a)(4)(E) ADULT ENTERTAINMENT ESTABLISHMENT be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Adult Entertainment Establishments shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(a)(5)(E)(i) AGRICULTURAL, HORTICULTURAL, NURSERY, EXCLUDING RAISING AND KEEPING OF FARM ANIMALS be amended as follows:

(i) Where so noted in subsection (C) above, Agricultural, Horticultural, Nursery, excluding raising and keeping of farm Animals shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(b)(2)(E)(xi) BED AND BREAKFAST be amended as follows:

(xi) If the Bed and Breakfast establishment is located within a Residential Zoning District and is located on a lot of less than one (1) acre, the Bed and Breakfast shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(b)(3)(E) BETTING PARLOR be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Betting Parlor shall be permitted by Conditional Use review and approval subject to the minimum standards and criteria set forth in Section 350-~~41(e)~~ **18(b)**.

→Staff recommends that Section 350-48(b)(4)(E) BILLBOARD be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Billboards shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(b)(5)(E) BILLBOARD, ELECTRONIC GRAPHIC DISPLAY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Electronic Graphic Display Billboards shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(b)(6)(E) BOARDING HOUSE be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Boarding House shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**. If the Boarding House establishment is located within a Residential Zoning District, the Boarding House shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(c)(2)(E) CLUBHOUSE OR LODGE be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Clubhouse or Lodge shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(c)(3)(E) COMMERCIAL CAMP be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Commercial Camp shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(c)(9)(E) COMMUNITY SHELTER be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Community Shelter shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(c)(10)(E) CONCENTRATED ANIMAL FEEDING OPERATION be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Concentrated Animal Feeding Operation shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(c)(12)(E) CORRECTIONAL FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Correctional Facility shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(c)(13)(E)(ii) CREMATORIUM be amended as follows:

(ii) Where so noted in subsection (C) above, a Crematorium shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(e)(4)(E) EXHIBITION CENTER, HIGH INTENSITY USE be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a High Intensity Use Exhibition Center shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(f)(3)(E) FARM ROADSIDE STAND be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Farm Roadside Stand shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(f)(4)(E) FLEX SPACE be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Flex Space shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(h)(1)(E) HELIPAD be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Helipad shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(h)(3)(E)(v)(b)(5) HISTORIC RESOURCE be amended as follows:

(5) The criteria that shall be used in determining whether a Conditional Use may be permitted, in addition to the general criteria set forth at Section 350-~~41(d)~~ **16(i)**, shall be the United States Secretary of the Interior's Standards for Historic Rehabilitation, 36 C.F.R. § 67.7 applied in a reasonable manner, taking into consideration economic and technical feasibility. The standards are as follows:

→Staff recommends that Section 350-48(h)(4)(E) HOSPITAL be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Hospital shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(i)(1)(E) INCINERATOR be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, an Incinerator shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(k)(1)(E)(iv) KENNEL be amended as follows:

(iv) Where so noted in subsection (C) above, the housing of more than twelve (12) dogs or other house Animals more than three (3) months old, as well as the establishment of a Commercial Kennel, shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(m)(1)(E) MANUFACTURING AND PROCESSING OF CHEMICALS AND EXPLOSIVES be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, the Manufacturing and Processing of Chemicals and Explosives shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(m)(6)(E) MOTOR FREIGHT TERMINALS be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Motor Freight Terminal shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(m)(7)(E) MOTOR VEHICLE REPAIR FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Motor Vehicle Repair Facility shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(m)(9)(E) MOTOR VEHICLE SERVICE FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Motor Vehicle Service Facility shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(n)(3)(E) NURSING HOME be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Nursing Home shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(o)(3) OFF-STREET PARKING, SEASONAL be amended as

follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Seasonal Off-Street Parking shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(o)(9)(E) OUTDOOR STORAGE be amended as follows:

(E) Additional Regulations: Unless otherwise more specifically addressed in this Zoning Ordinance, where so noted in subsection (C) above, Outdoor Storage, as a Primary or as an Accessory Use, shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(p)(3)(E)(iii) PET SHOP be amended as follows:

(iii) Where so noted in subsection (C) above, a Pet Shop shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(p)(4)(E)(i)(c)(1) PLACE OF WORSHIP be amended as follows:

(1) The minimum standards and criteria of Sections 350-48(s)(10)(E)(x)(c)(2) through (12) and 350-~~41(d)~~ **16(i)** shall apply.

→Staff recommends that Section 350-48(p)(6)(E) PUBLIC BUILDING be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Public Building shall be permitted by Conditional Use approval, subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(p)(6)(E)(i)(c)(1) PUBLIC BUILDING be amended as follows:

(1) The minimum standards and criteria of Sections 350-48(s)(10)(E)(x)(c)(2) through (12) and 350-~~41(d)~~ **16(i)** shall apply.

→Staff recommends that Section 350-48(q)(1)(E) QUARRY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Quarry shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(r)(1)(E) RECREATION, HIGH INTENSITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, High Intensity Recreation shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(r)(2)(E) RECREATION, LOW INTENSITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Low Intensity Recreation shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(r)(4)(E) RECREATION FIELDS be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Recreation Field shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(r)(9)(E) RETAIL SALES be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Retail Sales establishment shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(r)(11)(E) ROD AND GUN CLUBS be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Rod and Gun Club shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(s)(1)(E) SANITARY LANDFILL be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Sanitary Landfill shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(s)(2)(E) SCHOOL, COLLEGE AND/OR UNIVERSITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a College or University shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(s)(4)(E)(i)(c)(1) SCHOOL, ELEMENTARY AND/OR SECONDARY be amended as follows:

(1) The minimum standards and criteria of Sections 350-48(s)(10)(E)(x)(c)(2) through (12) and 350-~~41(d)~~ **16(i)** shall apply.

→Staff recommends that Section 350-48(s)(7)(E) SERVICE BUSINESS be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Service Business shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**:

→Staff recommends that Section 350-48(s)(10)(E)(viii)(b) SIGNS be amended as follows:

(b) The Use of pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners is prohibited, other than for a period of seven (7) days from the date of opening of a new establishment. However, the restriction against the Use of flags, streamers, balloons and banners shall not apply to signs erected pursuant to Section 350-48(s)(10)(E)(xv)(e) or Section 350-~~41(e)~~ **46**, required by State or Federal Regulations, or flags erected on flagpoles in accordance with Section 350-48(s)(10)(E)(ii)(e).

→Staff recommends that Section 350-48(s)(11)(E) SOLAR ENERGY FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Solar Energy Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(s)(14)(E) SPECIAL EVENT VENUE be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, the Special Event Venue shall be permitted by Conditional Use approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(s)(16)(E)(ii) STABLES, WITH OR WITHOUT RIDING TRAILS be amended as follows:

(ii) Where so noted in subsection (C) above, the commercial use of a Stable shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(t)(2)(E) TREATMENT CENTER be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Treatment Center shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(w)(2)(E) WASTE TO ENERGY FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Waste to Energy Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(w)(3)(E) WASTE TREATMENT FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Waste Treatment Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

→Staff recommends that Section 350-48(w)(4)(E) WHOLESALE SALES be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, Wholesale Sales uses greater than 75,000 square feet in total Floor Area shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-~~41(d)~~ **16(i)**.

→Staff recommends that Section 350-48(w)(5)(E) WIND ENERGY FACILITY be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Wind Energy Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-~~41(e)~~ **18(b)**:

16. Amend Section 350-48 To Clarify A Number of Special Exception

Uses As Primary Uses, Accessory Uses Or Both: Staff noticed that Special Exception Uses are not adequately classified as Primary or Accessory Uses and opined that such a distinction should be so noted within each applicable Use Schedule.

For Special Exception Uses that are Primary Uses:

→Staff recommends that, to the following definitions:

Section 350-48(a)(4)(A) Adult Entertainment Establishment
 Section 350-48(b)(2)(A) Bed and Breakfast
 Section 350-48(b)(6)(A) Boarding house
 Section 350-48(c)(2)(A) Clubhouse or Lodge
 Section 350-48(c)(3)(A) Commercial Camp
 Section 350-48(c)(9)(A) Community Shelter
 Section 350-48(c)(10)(A) Concentrated Animal Feeding Operation
 Section 350-48(c)(12)(A) Correctional Facility
 Section 350-48(c)(13)(A) Crematorium
 Section 350-48(h)(2)(A) Heliport
 Section 350-48(h)(4)(A) Hospital
 Section 350-48(m)(1)(A) Manufacturing and Processing of Chemicals and Explosives
 Section 350-48(m)(7)(A) Motor Vehicle Repair Facility
 Section 350-48(m)(9)(A) Motor Vehicle Service Facility
 Section 350-48(n)(3)(A) Nursing Home
 Section 350-48(o)(5)(A) Office Park
 Section 350-48(p)(3)(A) Pet Shop
 Section 350-48(q)(1)(A) Quarries
 Section 350-48(r)(11)(A) Rod and Gun Clubs
 Section 350-48(s)(2)(A) School, College or University
 Section 350-48(t)(2)(A) Treatment Center

The following sentence be appended:

As a Special Exception Use, it shall be the Primary Use on a parcel.

For Special Exception Uses that are Accessory Uses:

→Staff recommends that, to the following definitions:

Section 350-48(a)(2)(A) Accessory Dwelling Unit, Detached

The following sentence be appended:

As a Special Exception Use, it shall be an Accessory Use on a parcel.

For Special Exception Uses that may be Primary Uses or Accessory Uses:

→Staff recommends that, to the following definitions:

Section 350-48(a)(5)(A) Agricultural, Horticultural, Nursery, Excluding the Raising and Keeping of Farm Animals

Section 350-48(b)(4)(A) Billboard

Section 350-48(b)(5)(A) Billboard, Electronic

Section 350-48(c)(5)(A) Communication Facility, Cellular

Section 350-48(o)(3)(A) Off-Street Parking, Seasonal

Section 350-48(o)(9)(A) Outdoor Storage

Section 350-48(r)(1)(A) Recreation, High Intensity

Section 350-48(r)(2)(A) Recreation, Low Intensity

Section 350-48(r)(4)(A) Recreation Fields

Section 350-48(s)(16)(A) Stables

The following sentence be appended:

As a Special Exception Use, it shall be either the Primary Use or an Accessory Use on a parcel.

17. Amend Section 350-48 To Clarify A Number of Conditional Uses

As Primary Uses: Staff noticed that Conditional Uses are not adequately classified as Primary or Accessory Uses and opined that such a distinction should be so noted within each applicable Use Schedule.

For Conditional Uses that are Primary Uses:

→Staff recommends that, to the following definitions:

- Section 350-48(b)(3)(A) Betting Parlor
- Section 350-48(i)(1)(A) Incinerator
- Section 350-48(m)(6)(A) Motor Freight Terminal
- Section 350-48(p)(6)(A) Public Building
- Section 350-48(s)(1)(A) Sanitary Landfill
- Section 350-48(w)(1)(A) Warehousing and Distribution
- Section 350-48(w)(2)(A) Waste to Energy Facility
- Section 350-48(w)(3)(A) Waste Treatment Facility

The following sentence be appended:

As a Conditional Use, it shall be the primary use on a parcel.

18. Amend Section 350-48(a)(1) ACCESSORY DWELLING UNIT, ATTACHED To Correct A Copy-And-Paste Error: Staff noted that, within subsection (E)(iii), there is a minor copy-and-paste error.

→Staff recommends that Section 350-48(a)(1)(E)(iii) be amended as follows:

(iii) Additional requirements for ~~Detached~~ *Attached* ADUs:

19. Amend Section 350-48(a)(2) ACCESSORY DWELLING UNIT, DETACHED To Correct A Typographical Error: Staff noted that, within subsection (E)(iii)(e), there is a minor typographical error.

→Staff recommends that Section 350-48(a)(2) ACCESSORY DWELLING UNIT, DETACHED be amended as follows:

(e) A detached ADU will adhere to the conforming ~~side~~ *side* and rear yard Setbacks of the Primary Use.

20. Amend Section 350-48(b)(2) BED AND BREAKFAST To Clarify An

Asterisk: Staff noted that, within subsection (C), the Zoning Districts wherein BED AND BREAKFAST is a Special Exception Use are denoted by an “X” and an Asterisk. Staff noted that the use of the Asterisk is unusual and, while it refers only to subsection (xi), it may be misconstrued to refer to all subsections within (E). Staff opined that removing the Asterisks and the Note immediately below the table would improve the clarity of the table.

The existing Section 350-48(b)(2)(C) WHERE PERMITTED:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X						X	X	X	X	X	X			
Accessory																	
Special Exception	X*	X*	X*														
Conditional Use																	

* See regulations below.

→Staff recommends that Section 350-48(a)(2) ACCESSORY DWELLING UNIT, DETACHED be amended as follows:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X						X	X	X	X	X	X			
Accessory																	
Special Exception	X*	X*	X*														
Conditional Use																	

* See regulations below.

21. Amend Section 350-48(c)(11) COORDINATED DEVELOPMENT to Repair Broken Links:

Staff noted broken links within subsection (E)(vi) that require repair.

→Staff recommends that Section 350-48(c)(11)(E)(iv) be amended as follows:

(iv) The combined development shall be considered as a single Tract when providing Driveways and parking in accordance with ~~Sections 350-37 and 350-38~~ **Section 350-42(d) Driveways and Section 350-48(o)(2) Off-Street Parking.**

22. Amend Section 350-48(e)(1) ELECTRIC VEHICLE CHARGING STATION to Clarify a conflict with Off-Street Parking standards:

Staff noted that the Electric Vehicle Charging Station Use Schedule permits the parking spaces utilized as Charging Stations to be restricted to charging-only if the Primary Use on the property meets the minimum required Off-Street Parking Spaces for the use, excluding the charging-only spaces. The Section references the provisions of Section 350-48(o)(2) as the Section wherein the standards may be found. However, the Section does not reference Section 350-48, wherein most Off-Street Parking Calculations are found. Staff opined that this deficiency should be rectified.

→Staff recommends that 350-48(e)(1)(A) ELECTRIC VEHICLE CHARGING STATION be amended as follows:

(A) Definition: A Non-Residential Accessory Use characterized by equipment for the purpose of recharging battery-operated electric motor vehicles which is accessible from a parking space in an off-street parking lot or parking garage and is operated by the operator of the vehicle utilizing the equipment. This use shall also include Charging Stations established for the recharging of battery-operated electric motor vehicles associated with the operation of the associated Primary Use. This use shall not be interpreted to include any Motor Vehicle Service activities. This use shall not be interpreted to include the non-commercial recharging of battery-operated electric motor vehicles on a residential property, which is considered to be ancillary to the residential use. The parking spaces from which the Charging Station may be accessed shall not be restricted to vehicle charging-only parking. If the parking spaces from which the Charging Station may be accessed are restricted in opposition to the preceding sentence, those spaces shall not be counted within the total off-street parking spaces required by the provisions of Section 350-48(o)(2) **or the individual Use Schedules within Section 350-48** by the associated Primary Use.

23. Amend Section 350-48(f)(3) FARM ROADSIDE STAND to Clarify a conflict between Subsections (C) and (E) Regarding Special Exception Approval:

Staff noted that the Farm Roadside Stand “Where Permitted” table (subsection (C)) indicates that all Farm Roadside Stands are permitted Accessory Uses, while subsection (E) Additional Regulations stipulates that “Where so noted in subsection (C) above, a Farm Roadside Stand shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):”. This subsection adds confusion in two ways:

- Subsection (C) does not note any zoning district wherein a Farm Roadside Stand is a Special Exception Use, and
- It is not clear whether the following subsections (i) through (v) pertain only to Farm Roadside Stands that are Special Exception Uses, all Farm Roadside Stands, or no Farm Roadside Stands.

Accessory Uses of Permitted Uses are also Permitted Uses. Accessory Uses of Special Exception Uses are typically Permitted Uses as well. Therefore, staff opines, Farm Roadside Stands should be Permitted Uses regardless. Staff also opines that the subsections of (E) should apply to all Farm Roadside Stands. Therefore, the references to Special Exception should be removed from subsection (E).

→Staff recommends that 350-48(f)(3)(E) FARM ROADSIDE STAND be amended as follows:

((E) Additional Regulations: ~~Where so noted in subsection (C) above, a Farm Roadside Stand shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):~~

24. Amend Section 350-48(s)(6) SELF-STORAGE FACILITY to Correct

the “Where Permitted” Table: Staff noted that the Subsection (C) “Where Permitted” table was inconsistent with the GC and GC-1 Zoning District Schedules, which permits Self-Storage Facility as a Primary Use. Staff noted that Self-Storage Facility had previously been listed as a Permitted Primary Use within the GC and GC-1 Zoning Districts and opined that it was inadvertently left off of the “Where Permitted” table at some point. Staff recommends that it be restored to the “Where Permitted” table and made consistent with the GC and GC-1 Zoning District Schedules.

→Staff recommends that Section 350-48(s)(6)(C) be amended as follows:

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X	X	X		X	X
Accessory																	
Special Exception																	
Conditional Use																	

25. Delete Section 350-48(m)(3) MASSAGE SERVICE ESTABLISHMENT

and renumber the appropriate Sections: Staff noted that MASSAGE SERVICE ESTABLISHMENT is its own Use and is also included within Section 350-48(p)(2) PERSONAL SERVICE BUSINESS. Staff opined that it was an oversight to not merge these two Uses with the creation of the Personal Service Business Use. Since the Personal Service Business criteria seem more appropriate than the Massage Service Establishment criteria, staff opined that it would be preferable to simply delete Section 350-48(m)(3) to address the conflicting Sections. Sections 350-48(m)(4) through (9) would have to be renumbered appropriately to account for the deleted Section.

→Staff recommends that the entire Section 350-48(m)(3) MASSAGE SERVICE ESTABLISHMENT be deleted and the following Sections be renumbered as follows:

Section 350-48(m)(4) renumbered to Section 350-48(m)(3)

Section 350-48(m)(5) renumbered to Section 350-48(m)(4)

Section 350-48(m)(6) renumbered to Section 350-48(m)(5)

Section 350-48(m)(7) renumbered to Section 350-48(m)(6)

Section 350-48(m)(8) renumbered to Section 350-48(m)(7)

Section 350-48(m)(9) renumbered to Section 350-48(m)(8)

26. Amend Section 350-48(s)(9)(A) SHORT-STAY MEDICAL CENTER DEFINITION to Correct a Typographical Error: Staff noted a typographical error in the second paragraph of the definition.

→Staff recommends that the second paragraph of Section 350-48(s)(9)(A) DEFINITION be amended as follows:

For purposes of this definition, the average length of stay shall be calculated by first adding the aggregate number of hours or days, as applicable, that all patients have been admitted in the Short-Stay Medical Center at any given point in time. This aggregate sum of hours or days, as applicable, shall then be divided by the number of patients then admitted in the Short-Stay Medical Center to determine the average length of stay. By way of example, if 10 ~~patents~~ *patients* are currently admitted into the Short-Stay Medical Center's transitional skilled nursing services component and the 10 patients have been admitted for an aggregate total of 93 days, the average length of stay at that point is 9.3 days. The average length of stay is anticipated to be a "rolling" figure and change from day to day as patients are admitted and discharged from the Short-Stay Medical Center.

**STAFF-SUGGESTED
REPAIRS TO IMPROVE
THE FUNCTIONALITY OF
THE ZONING
ORDINANCE**

1. Amend Section 350-05(d) DEFINITIONS to Add a Definition for “Parking Aisle” and “Parking Area”:

Staff noticed that the term “Parking Area” is used repeatedly throughout the Zoning Ordinance but is not defined. Staff recommends that this be rectified to clarify the term. Staff also recommends that the definition of “Driveway” and “Parking Space” be amended to be consistent with and reinforce the new definition proposed and differentiate between Residential and Non-residential Parking requirements.

→Staff recommends that Section 350-05(d) DEFINITIONS be amended as follows, to add the new definition “Parking Area” between the existing definitions “Open Space, Passive” and “Parking Garage”:

PARKING AREA – An area that contains Parking Spaces and Access Lanes.

- A. In Residential Uses, the Parking Area is not subject to Setbacks or Buffer requirements.**
- B. In Non-Residential Uses (including Apartments as part of a Mixed-Use Building and Apartment Buildings), a Parking Area is subject to Buffer requirements.**

→Staff also recommends that the definitions of “Access Lane”, “Driveway”, and “Parking Space” within Section 350-05(d) DEFINITIONS be amended as follows:

ACCESS LANE – a vehicular passageway in a Parking Area that provides access to Parking Spaces within a Parking Area, ~~connects multiple Parking Areas, or~~ **and** connects a Parking Area to a Driveway. **Access Lanes directly adjoin Parking Spaces.**

DRIVEWAY - a vehicular passageway from a public Street, Alley, or Private Street that leads to a Parking Area.

- A. In Residential Uses, the Driveway, at a minimum, is between the cartway of the public Street, Alley, or Private Street and the property line. The Driveway is not subject to Setbacks and Buffer requirements but is subject to offset between the Driveway and nearby intersections.**
- B. In Non-Residential Uses (including Apartments as part of a Mixed-Use Building and Apartment Buildings), Setbacks, Buffer, and offset with nearby intersection requirements apply.**

PARKING SPACE – ~~A delineated area or Garage available for the parking of one (1) motor vehicle to which there is access from a Street, Alley or private drive.~~

- A. In Residential Uses, an area or Garage (or portion thereof) available for the parking of one (1) motor vehicle.**
- B. In Non-Residential Uses (including Apartments as part of a Mixed-Use Building and Apartment Buildings), a delineated area (inside or outside of a Structure) for the parking of one (1) motor vehicle that is subject to Setbacks.**

In order to maintain consistency throughout the Zoning Ordinance, staff checked the use of the word “aisle” within the Zoning Ordinance and determined that there are some situations where the term “aisle” should be replaced with the term “Access Lane”

→Staff also recommends that Section 350-32(g)(6)(A) PARKING within the Planned Residential Development regulations be amended as follows:

- (6) Parking:

(A) There shall be at least two (2) off-Street Parking Spaces, measuring ten (10) by twenty (20) feet, for each Dwelling unit. Where off-Street Parking Spaces are grouped in Lots, ~~aisles~~ **Access Lanes** at least twenty (20) feet in width shall be provided. The Lot design and location shall be subject to review and revision by the South Whitehall Township Board of Commissioners.

→Staff also recommends that Section 350-48(o)(2)(E)(viii)(a) PARKING GARAGES within the Off-Street Parking regulations be amended as follows:

(a) Parking Garages, if provided, shall have a Floor Area of not less than two hundred (200) square feet per vehicle, not including ~~aisle-space~~ **Access Lanes**, which shall be at least twenty (20) feet in width. Such Garage may be built into the principal Structure or separately constructed as herein provided. Spaces within the Garage shall be ten (10) feet wide and twenty (20) feet long per vehicle, exclusive of access drives.

→Staff also recommends that Section 350-48(o)(4)(E)(i) within the Temporary Seasonal Off-Street Parking regulations be amended as follows:

(A) Definition: An area of off-street parking that may be used on a seasonal basis wherein only the ~~access-aisles~~ **Access Lanes** are paved or hardscaped.

→Staff also recommends that Section 350-48(o)(3)(A) DEFINITIONS within the Seasonal Off-Street Parking regulations be amended as follows:

(E) Additional Regulations:

(i) Except as otherwise provided in Section 350-48(o)(3), a Parking Area or a portion of a Parking Area used for seasonal purposes which will be eliminated or converted to a permanent Parking Area within thirty-six (36) months after commencement of its Use for seasonal parking purposes shall be considered a temporary seasonal Parking Area. A temporary seasonal Parking Area shall conform with the requirements of a seasonal Parking Area except that the requirements of Sections 350-48(o)(2)(E)(ii) relating to paving; Section 350-48(o)(2)(E)(v) relating to Buffering and screening; and Section 350-42(i) relating to illumination are hereby waived, provided the ~~aisle~~ **Access Lanes** and passageways of the temporary Parking Area are maintained with crushed stone or other similar surface (including grass paving systems approved by the Township Engineer) and temporary illumination sufficient to ensure the safe passage of patrons to and from the grounds, where Commercial Recreation activities are being conducted, is provided. Except as otherwise provided in subsection (ii) immediately below, a temporary seasonal Parking Area which is not eliminated or converted into a permanent Parking Area within thirty-six (36) months after the commencement of its Use shall no longer be used for parking purposes until the same is either converted into a permanent Parking Area or a Special Exception has been granted to allow its Use as a seasonal Parking Area.

→Staff also recommends that Section 350-48(t)(1)(E)(i)(e)(1) within the Temporary Construction Site regulations be amended as follows:

(1) A hard paved or stone (mud-free) driveway and Parking Lot Area shall be provided containing one (1) parking stall, 10'x 20' in size, for each ten (10) Lots in the subdivision. ~~Access Aisles~~ **Access Lanes** shall be a minimum 20' in width.

2. Amend Section 350-42(b)(4) SCREENING REQUIREMENTS to Clarify and Increase Options for Buffer Strips and to Clarify When Buffer Strips Are Required:

Staff noticed that buffer screening requirements permitted only vegetative or fence and vegetative screenings. A developer requested an alternative, fence-only screening option. Staff opined that such an option should be available, particularly for items such as dumpsters or outdoor material storage within commercial or industrial zones. Planning Commission recommended that a landscaped berm also be added as an option.

The existing Section 350-42(b)(4) SCREENING REQUIREMENTS:

(A) Screening shall be provided and maintained within the buffer strip, and as a minimum shall consist of either:

(i) Dense hedges of deciduous, and at least fifty percent (50%) evergreen shrubbery. Plants shall be maintained at a minimum of five (5) feet in height above adjacent grade.

(ii) A Fence

(a) at least seventy percent (70%) solid,

(b) uniformly colored or of a naturally durable material such as cedar, cypress or redwood,

(c) not less than five (5) feet tall and not more than twelve (12) inches above grade,

(d) with evergreen plantings

(1) maintained to the exterior of the fence and within three (3) feet of the fence,

(2) spaced no more than four (4) feet on center, and

(3) a minimum height of three (3) feet above adjacent grade.

(B) Screening as provided in subsection (A) above, shall be required to screen any outdoor storage of material, finished or partly finished goods, dumpsters, unhitched tractor-trailer trailers not parked at loading docks or in Loading Zones, shipping containers, ground-mounted air conditioning units, electrical transformers, generators or other like-type equipment and similar fixtures which are greater than four (4) feet in any one dimension, when permitted by other provisions of this Ordinance, from view from adjacent residential properties or from public Streets. However, Motor Vehicle Sales Facilities shall be permitted a display area free of a Buffer strip between the display area and the public Street.

(C) Existing natural vegetation a minimum of five (5) feet in height may be substituted for a required buffer strip if the area of natural vegetation is at least thirty (30) feet in depth between the uses to be buffered.

→Staff proposes to amend Section 350-42(b)(4)(A) and (B) SCREENING REQUIREMENTS by re-arranging the existing requirements (in grey) and adding some new requirements (in blue italics):

(A) Screening shall be provided and maintained within the buffer strip, and as a minimum shall consist of, *either singly or in combination*, the following:

(i) Dense *plantings. The vegetation comprising the screening shall present a solid screen when viewed from the adjoining property and shall consist of:*

(a) Evergreen and deciduous plantings. At least 50% of the plantings shall be evergreen.

(b) Plantings shall be in a staggered row no more than four (4) feet apart on center

(c) Plants shall be maintained at a minimum of five (5) feet in height above adjacent grade.

(d) Plants shall present a solid screen between twelve (12) and forty-eight (48) inches above adjacent grade at the root flair.

(ii) A Fence and evergreen plantings. The fence and vegetation comprising the screening shall consist of:

(a) A Fence:

(1) at least seventy percent (70%) solid.

(2) uniformly colored or of a naturally durable material such as cedar, cypress or redwood.

(3) not less than five (5) feet tall and not more than twelve (12) inches above grade.

(b) Evergreen plantings:

(1) maintained to the exterior of the fence and within three (3) feet of the fence.

(2) spaced no more than four (4) feet apart on center.

(3) a minimum height of three (3) feet above adjacent grade *at the root flair.*

(iii) A berm and evergreen plantings. The berm and vegetation comprising the screening shall present a solid screen at least six (6) feet in height when viewed from the adjoining property and shall consist of:

(a) A berm:

(1) at least three (3) feet in height above original grade.

(2) stabilized with grass or similar ground cover

(b) Evergreen plantings that are, at a minimum:

(1) maintained on the outward-facing (toward adjoining property) slope.

(2) spaced no more than four (4) feet apart on center.

(3) a minimum height of three (3) feet above adjacent grade at the root flair.

(B) ~~Screening as provided in subsection (A) above, shall be required to screen any~~ **Any** outdoor storage of material, finished or partly finished goods, dumpsters, unhitched tractor-trailer trailers not parked at loading docks or in Loading Zones, shipping containers, ground-mounted air conditioning units, electrical transformers, generators or other like-type equipment and similar fixtures which are greater than four (4) feet in any one dimension, when permitted by other provisions of this Ordinance, **shall be screened** from view from adjacent residential properties or from public Streets. ~~However, Motor Vehicle Sales Facilities shall be permitted a display area free of a Buffer strip between the display area and the public Street.~~ **The screen shall adhere to the standards described in subsections (A)(i) or (A)(ii) above, or the standards listed in subsection (i) below:**

(i) Solid Fence or Barrier. The materials comprising the fence or barrier shall be:

(a) at least ninety-five percent (95%) solid.

(b) uniformly colored or of a naturally durable material such as cedar, cypress or redwood.

(c) not less than five (5) feet tall and not more than four (4) inches above grade.

(D) Existing natural vegetation a minimum of five (5) feet in height may be substituted for a required buffer strip if the area of natural vegetation is at least thirty (30) feet in depth between the uses to be buffered.

→Staff recommends that Section 350-42(b)(4)(A) and (B) SCREENING REQUIREMENTS be replaced with the following:

(A) Screening shall be provided and maintained within the buffer strip, and as a minimum shall consist of, either singly or in combination, the following:

(i) Dense plantings. The vegetation comprising the screening shall consist of:

(a) Evergreen and deciduous plantings. At least 50% of the plantings shall be evergreen.

(b) Plantings shall be in a staggered row no more than four (4) feet apart on center

(c) Plants shall be maintained at a minimum of five (5) feet in height above adjacent grade.

(d) Plants shall present a solid screen between twelve (12) and forty-eight (48) inches above grade.

(ii) A Fence and evergreen plantings. The fence and vegetation comprising the screening shall consist of:

(a) A Fence:

- (1) at least seventy percent (70%) solid.**
- (2) uniformly colored or of a naturally durable material such as cedar, cypress or redwood.**
- (3) not less than five (5) feet tall and not more than twelve (12) inches above grade.**

(b) Evergreen plantings:

- (1) maintained to the exterior of the fence and within three (3) feet of the fence.**
- (2) spaced no more than four (4) feet apart on center.**
- (3) a minimum height of three (3) feet above adjacent grade.**

(iii) A berm and evergreen plantings. The berm and vegetation comprising the screening shall present a solid screen at least six (6) feet in height when viewed from the adjoining property and shall consist of:

(a) A berm:

(1) at least three (3) feet in height above original grade.

(2) stabilized with grass or similar ground cover

(b) Evergreen plantings that are, at a minimum:

(1) maintained on the outward-facing (toward adjoining property) slope.

(2) spaced no more than four (4) feet apart on center.

(3) a minimum height of three (3) feet above adjacent grade at the root flair.

(B) Any outdoor storage of material, finished or partly finished goods, dumpsters, unhitched tractor-trailer trailers not parked at loading docks or in Loading Zones, shipping containers, ground-mounted air conditioning units, electrical transformers, generators or other like-type equipment and similar fixtures which are greater than four (4) feet in any one dimension, when permitted by other provisions of this Ordinance, shall be screened from view from adjacent residential properties or from public Streets. The screen shall adhere to the standards described in subsections (A)(i), (A)(ii), or (A)(iii) above, or the standards listed in subsection (i) below:

(i) Solid Fence or Barrier. The materials comprising the fence or barrier shall be:

- (a) at least ninety-five percent (95%) solid.**
- (b) uniformly colored or of a naturally durable material such as cedar, cypress or redwood.**
- (c) not less than five (5) feet tall and not more than four (4) inches above grade.**

(C) Existing natural vegetation a minimum of five (5) feet in height may be substituted for a required buffer strip if the area of natural vegetation is at least thirty (30) feet in depth between the uses to be buffered.

Staff also noticed that the Section requires Buffer Strips between dissimilar types of Uses. Within the Use Schedule, the afore-mentioned “types” are referred to as “Use Classifications”. This should be codified within subsection (b)(1).

Staff also noticed that, within the Use Schedules, some Uses have multiple Use Classifications, which may cause confusion when determining what are “dissimilar types of uses”. In such situations, staff opines that the Zoning officer should use his or her judgement to determine whether a buffer should be required between two Uses where one or both of the Uses have multiple Use Classifications.

The existing Section 350-42(b)(1):

(1) In general, between dissimilar types of uses (i.e. Residential, Commercial, Industrial, or Institutional), a minimum fifteen (15) foot wide Buffer strip shall be established and maintained along all Lot Lines which are not along public Street Right-of-Way lines (including limited access highways) for all uses except Single Detached Dwelling Unit Dwellings, Two-unit Dwellings, Three-flats, and Townhouses.

→Staff proposes that Section 350-42(b)(1) be amended as follows:

(1) In general, between dissimilar ~~types of uses~~ **Use Classifications** (i.e. Residential, Commercial, Industrial, or Institutional), a minimum fifteen (15) foot wide Buffer strip shall be established and maintained along all Lot Lines which are not along public Street Right-of-Way lines (including limited access highways) for all uses except Single Detached Dwelling Unit Dwellings, Two-unit Dwellings, Three-flats, and Townhouses. **Where one or more adjoining Uses have multiple Use Classifications which results in both similar and dissimilar Use Classifications adjoining, the Zoning Officer shall make a determination as to whether a Buffer Strip shall be required.**

3. Clarify Section 350-42(d) DRIVEWAYS: Staff noticed that Section 350-42(d) Driveways is laid out in a haphazard and confusing fashion and opined that it could be clarified and laid out in a more logically-organized manner. Staff also noted that existing subsection (4) is also regulated within SALDO and opined that it should be removed from the Zoning Ordinance to prevent possible confusion and possible inconsistencies if one of the Ordinances is amended without amending the other.

The existing Section 350-42(d):

(d) Driveways.

(1) Driveways. Except during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance, the use and operation, including parking or storage, of any motor vehicle, the use and operation of which requires a license for either the vehicle or the operator, on private property shall be restricted to areas conforming with the requirements of Section 350-48(f)(3), Section 350-42(r), Section 350-48(o)(2), or within an enclosed building or structure.

(2) Driveways. Unless otherwise served by a Private Street, Non-Residential uses or three or fewer Residential Dwelling Units are served by Driveways. Driveways shall be constructed to the Driveway standards of the Township Subdivision and Land Development Regulations or to an alternate standard approved by the Board of Commissioners.

(3) Paving, Maintenance and Drainage. All Driveways, except where the land is being used for agricultural, horticultural, nursing, including raising and keeping of farm Animals, or as provided in Section 350-48(o)(4) shall be paved with a hard surface such as asphalt, portland cement concrete, or hard surface treatments approved by the Township Engineer, and required to be maintained at least annually. Residential Driveways shall be paved if fifty (50) feet or less in length or paved for a minimum of fifty (50) feet from the edge of cartway of the intersecting public street or private street if greater than fifty (50) feet in length. All Driveways, regardless of surface, shall be properly graded, drained and constructed with adequate provisions satisfactory to the Township.

(4) Location and Width of All Driveways.

(A) The width of Driveways for Single Detached Dwelling Units, Two Flat Dwellings, and each attached dwelling unit (i.e. fee simple twins and townhouses - staying consistent with how defined in Section 350-48) shall not exceed 20 feet at the Street Right-of-Way Line. The centerline of these Driveways at the legal right of way line shall not be closer to the centerline of the nearest street intersection than the distances permitted by the appropriate Section within the Subdivision and Land Development Ordinance.

(B) With respect to all Driveways not included in subsection (A) above, the distance from the centerline of the Driveway to the Centerline of the intersection shall be at least:

(i) Except in a Neighborhood-Commercial District one hundred fifty (150) feet if both Streets at the intersection are Local Streets; two hundred (200) feet if one of the Streets at the intersection is a Collector Street and the other is a Collector Street or a Local Street; three hundred (300) feet if either Street at the intersection is an Arterial Street.

(ii) In a Neighborhood-Commercial District - one hundred (100) feet.

(C) Except Driveways included in subsection (A) above, no Driveway shall be closer to another Driveway at the curb line than one hundred (100) feet. If the Frontage of the Lot or Tract is greater than three hundred (300) feet, centerlines of Driveways on the same Tract shall be no closer to each other than two hundred fifty (250) feet at the curb line, with the offset being measured

between centerlines. If the right-of-way onto which the Driveway enters or exits is under PennDOT jurisdiction, the above-mentioned requirements shall not be applicable and, instead, the applicable PennDOT regulations shall apply.

(D) A Driveway that serves a non-residential Use or Building shall not be closer to the Lot Line of a residential Use or a Lot Line in or bordering a residential district than twenty-five (25) feet.

(E) No Driveway serving common Parking Area(s) for more than ten (10) Dwelling units shall be closer to the Lot Line and/or a Building than twenty (20) feet.

(5) Illumination of Driveways. Driveways shall be illuminated in accordance with Section 350-42(i).

Staff recommends the following amendments to the Section:

(d) Driveways.

~~(1) Driveways. Except during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance, the use and operation, including parking or storage, of any motor vehicle, the use and operation of which requires a license for either the vehicle or the operator, on private property shall be restricted to areas conforming with the requirements of Section 350-48(f)(3), Section 350-42(r), Section 350-48(o)(2), or within an enclosed building or structure.~~

(1) Where Required. The use and operation (including parking or storage) of any motor vehicle on private property shall be restricted to areas conforming with the requirements of Section 350-48(f)(3) Farm Roadside Stand, Section 350-42(r) Private Streets, Section 350-48(o)(2) Off-Street Parking, or within an enclosed building or structure. For the purposes of this Section, the term motor vehicle refers to a motorized vehicle for which a license for either the vehicle or the operator is required.

(A) Exceptions: during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance.

~~(2) Driveways. Construction Standards. Unless otherwise served by a Private Street, Non-Residential uses or three or fewer Residential Dwelling Units are served by Driveways.~~ Driveways shall be constructed to the Driveway standards of the Township Subdivision and Land Development Regulations or to an alternate standard approved by the Board of Commissioners.

(3) Paving, Maintenance and Drainage. All Driveways, except where the land is being used for Agricultural, Horticultural, **nursing Nursery**, including and excluding raising and keeping of farm Animals, or as provided in Section 350-48(o)(4) shall be paved with a hard surface such as asphalt, portland cement concrete, or hard surface treatments approved by the Township Engineer, and required to be maintained **in a reasonable condition at least annually. Residential Driveways shall be paved if fifty (50) feet or less in length or paved for a minimum of fifty (50) feet from the edge of cartway of the intersecting public street or private street if greater than fifty (50) feet in length. Residential Driveways shall be paved for a minimum of fifty (50) feet from the edge of cartway of the intersecting public street or private street.** All Driveways, regardless of surface, shall be properly graded, drained and constructed with adequate provisions satisfactory to the Township.

~~(4) Location and Width of All Driveways.~~

~~(A) The width of Driveways for Single Detached Dwelling Units, Two Flat Dwellings, and each attached dwelling unit (i.e. fee simple twins and townhouses) staying consistent with how defined in Section 350-48) shall not exceed 20 feet at the Street Right-of-Way Line. The centerline of these Driveways at the legal right of way line shall not be closer to the centerline of the nearest street intersection than the distances permitted by the appropriate Section within the Subdivision and Land Development Ordinance.~~

~~(B) With respect to all Driveways not included in subsection (A) above, the distance from the centerline of the Driveway to the Centerline of the intersection shall be at least:~~

~~(i) Except in a Neighborhood Commercial District one hundred fifty (150) feet if both Streets at the intersection are Local Streets; two hundred (200) feet if one of the Streets at the intersection is a Collector Street and the other is a Collector Street or a Local Street; three hundred (300) feet if either Street at the intersection is an Arterial Street.~~

~~(ii) In a Neighborhood Commercial District one hundred (100) feet.~~

~~(C) Except Driveways included in subsection (A) above, no Driveway shall be closer to another Driveway at the curb line than one hundred (100) feet. If the Frontage of the Lot or Tract is greater than three hundred (300) feet, centerlines of Driveways on the same Tract shall be no closer to each other than two hundred fifty (250) feet at the curb line, with the offset being measured between centerlines. If the right of way onto which the Driveway enters or exits is under PennDOT jurisdiction, the above mentioned requirements shall not be applicable and, instead, the applicable PennDOT regulations shall apply.~~

~~(D) A Driveway that serves a non-residential Use or Building shall not be closer to the Lot Line of a residential Use or a Lot Line in or bordering a residential district than twenty-five (25) feet.~~

~~(E) No Driveway serving common Parking Area(s) for more than ten (10) Dwelling units shall be closer to the Lot Line and/or a Building than twenty (20) feet.~~

(4) Offset of Driveways from Other Driveways. Driveways entering or exiting onto a Township Right-of-Way shall be offset from other Driveways in accordance with the regulations below. If the Right-of-Way onto which the Driveway enters or exits is under PennDOT jurisdiction, the following requirements of subsections (A) and (B) below shall not be applicable and, instead, the applicable PennDOT regulations shall apply.

(A) The centerline of the Driveways for Single Detached Dwelling Units and Attached Dwelling Units, wherein the individual dwelling units are served each by its own driveway, at the legal right of way line shall not be closer to the centerline of the nearest Driveway than twenty (20) feet.

(B) Except Driveways included in subsection (A) above, no Driveway shall be closer to another Driveway at the curb line than one hundred (100) feet. If the Frontage of the Lot or Tract is greater than three hundred (300) feet, centerlines of Driveways on the same Tract shall be no closer to each other than two hundred fifty (250) feet at the curb line, with the offset being measured between centerlines.

(C) A Driveway that serves a non-residential Use or Building shall not be closer to the Lot Line of a residential Use or a Lot Line in or bordering a residential district than twenty-five (25) feet.

(D) No Driveway serving common Parking Area(s) for more than ten (10) Dwelling units shall be closer to the Lot Line and/or a Building than twenty (20) feet.

(5) Illumination of Driveways. Driveways shall be illuminated in accordance with Section 350-42(i).

→Staff recommends that Section 350-42(d) be replaced in its entirety with the following:

(d) Driveways.

(1) Where Required. The use and operation (including parking or storage) of any motor vehicle on private property shall be restricted to areas conforming with the requirements of Section 350-48(f)(3) Farm Roadside Stand, Section 350-42(r) Private Streets, Section 350-48(o)(2) Off-Street Parking, or within an enclosed building or structure. For the purposes of this Section, the term motor vehicle refers to a motorized vehicle for which a license for either the vehicle or the operator is required.

(A) Exceptions: during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance.

(2) Construction Standards. Driveways shall be constructed to the Driveway standards of the Township Subdivision and Land Development Regulations or to an alternate standard approved by the Board of Commissioners.

(3) Paving, Maintenance and Drainage. All Driveways, except where the land is being used for Agricultural, Horticultural, Nursery, including and excluding raising and keeping of farm Animals, or as provided in Section 350-48(o)(4) Temporary Seasonal Off-Street Parking shall be paved with a hard surface such as asphalt, portland cement concrete, or hard surface treatments approved by the Township Engineer, and required to be maintained in a reasonable condition Residential Driveways shall be paved for a minimum of fifty (50) feet from the edge of cartway of the intersecting public street or private street. All Driveways, regardless of surface, shall be properly graded, drained and constructed with adequate provisions satisfactory to the Township.

(4) Offset of Driveways from Other Driveways. Driveways entering or exiting onto a Township Right-of-Way shall be offset from other Driveways in accordance with the regulations below. If the Right-of-Way onto which the Driveway enters or exits is under PennDOT jurisdiction, the following requirements of subsections (A) and (B) below shall not be applicable and, instead, the applicable PennDOT regulations shall apply.

(A) The centerline of the Driveways for Single Detached Dwelling Units and Attached Dwelling Units, wherein the individual dwelling units are served each by its own driveway, at the legal right of way line shall not be closer to the centerline of the nearest Driveway than twenty (20) feet.

(B) Except Driveways included in subsection (A) above, no Driveway shall be closer to another Driveway at the curb line than one hundred (100) feet. If the Frontage of the Lot or Tract is greater than three hundred (300) feet, centerlines of Driveways on the same Tract shall be no closer to each other than two hundred fifty (250) feet at the curb line, with the offset being measured between centerlines.

(C) A Driveway that serves a non-residential Use or Building shall not be closer to the Lot Line of a residential Use or a Lot Line in or bordering a residential district than twenty-five (25) feet.

(D) No Driveway serving common Parking Area(s) for more than ten (10) Dwelling units shall be closer to the Lot Line and/or a Building than twenty (20) feet.

(5) Illumination of Driveways. Driveways shall be illuminated in accordance with Section 350-42(i).

4. Amend Section 350-42(e) FENCES AND RETAINING WALLS to

Require Permits for All Fences: The current Section stipulates that fences four feet in height and under do not require a permit. However, staff has noticed a number of small fences that have appeared within clear-sight triangles of intersections, on Township easements and within Township rights-of-way. Additionally, any fence requiring holes be dug require a PA One Call. Staff requests that the requirement for fences to secure a permit be extended to all fences so that such issues may be caught before the fence is installed.

The existing Section 350-42(e)(1):

(1) **Permit Required.** Any Fence or wall four (4) feet or taller, except Fences for agricultural purposes, shall be subject to the Zoning Officer's issuance of a zoning permit therefor, or his approved notation therefor, upon a previously issued and still valid zoning permit for the premises. All such permitted fences shall be installed such that the side closest to an adjoining property be finished.

The existing Section 350-42(e)(5):

(5) **Exempt Fences and Walls.** Temporary Fences and walls such as snow Fences, Fences or barriers around construction sites and construction shoring which are not to stand more than one (1) year are exempt from the permit and height requirements of subsections (1), (2) and (3) above.

→Staff recommends that Section 350-42(e)(1) be amended as follows:

(1) **Permit Required.** ~~Any Fence or wall four (4) feet or taller, except Fences for agricultural purposes, shall be subject to the Zoning Officer's issuance of a zoning permit therefor, or his approved notation therefor, upon a previously issued and still valid zoning permit for the premises.~~ **Any fence or wall shall be subject to the Zoning Officer's issuance of a Zoning Permit. (Additional permitting may be required as appropriate.)** All such permitted fences shall be installed such that the side closest to an adjoining property be finished.

→Staff recommends that Section 350-42(e)(5) be amended as follows:

(5) **Exempt Fences and Walls.** ~~Temporary Fences and walls such as snow Fences, Fences or barriers around construction sites and construction shoring which are not to stand more than one (1) year~~ **The following** are exempt from the **Zoning** permit and height requirements of subsections (1), (2) and (3) above. **A Building Permit shall be required for all fences greater than six (6) feet in height above grade.**

(A) **Temporary Fences and walls such as snow Fences**

(B) **Fences for agricultural purposes, including gardening ancillary to a residential Use**

(C) **Fences or barriers around construction sites**

(D) **Construction shoring which are not to stand more than one (1) year**

5. Amend Section 350-42(v) WATER AND SEWER SERVICES to

Correct the Residential Housing Types So Listed: Staff noticed that Three-Flats are not included in the housing types that are permitted where no centralized water and sewer systems are in place. The Planning Commission questioned whether Accessory Dwelling Units would be considered “Attached” per the revised section. Staff indicated that they would not and would, instead, be considered as part of the Detached Dwelling unit and regulated through the Sewage Enforcement Officer in case of on-lot septic systems.

The existing Section 350-42(v)(1):

(1) Two-unit Dwellings, Townhouses, and apartments shall not be permitted in any district unless they are served by Public Water and Public Sewer or other centralized water and sewer services approved by the Pennsylvania Department of Environmental Protection.

→Staff recommends that Section 350-42(v)(1) be amended as follows:

(1) ~~Two-unit Dwellings, Townhouses, and apartments~~ **Attached Dwelling Units** shall not be permitted in any district unless they are served by Public Water and Public Sewer or other centralized water and sewer services approved by the Pennsylvania Department of Environmental Protection.

6. Amend Section 350-46(a) TEMPORARY USES BY RIGHT: The Board of Commissioners previously wished to create a number of Temporary Uses that would be available “By Right” and without the need for the application or approval of a Permit. Staff has learned that the associated regulations for these “By Right” Temporary Uses cannot be enforced without a permit or similar mechanism. Staff proposes that Section 350-46(a) be amended to require that a Zoning Permit is required for all activities specified under Section 350-46(a), but that the fee is waived by the Board of Commissioners immediately upon approval by the Zoning Officer. Such a change will allow the Township an enforcement mechanism of the provisions of Section 350-46(a).

The Planning Commission inquired as to whether locating a Temporary Use (such as a Pod or Dumpster) within a Clear Sight Triangle should be included in the regulations, as staff indicated that the Clear Sight Ordinance is already a stand-alone Ordinance with the Township regulations and that staff would be reluctant to overlap Ordinances for a number of reasons.

The entire Section 350-46(a) is provided below:

(A) Temporary Uses Permitted by Right Not Requiring a Permit.

(i) The following Temporary Uses may be undertaken, consistent with the following provisions, without the applicant having to first obtain a permit from the Zoning Officer or having to first obtain approval from the Zoning Hearing Board:

(a) Non-profit events. Annual or semi-annual non-profit events, including but not limited to, craft shows, car washes, swim meets, small-scale carnivals, bake sales, and/or events conducted by schools, places of worship, or other non-profit civic groups.

(b) A festival by a place of worship or Emergency Response Service Facility clearly intended to benefit charitable, religious or public safety programs of such places of worship, or Emergency Response Service Facilities.

(c) Clinics coordinated by public health officials for administering mass vaccinations, blood drives, and other similar clinics planned by public health officials to meet a regional health need.

(d) Temporary offices, structures, and shelters coordinated by emergency responders or public officials due to a natural disaster or emergency event. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(iv), for which the limit shall be thirty (30) days in any calendar year.

(e) Commercial open houses, grand opening events for new commercial uses and customer appreciation events for existing commercial uses. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(v), for which the limit shall be as follows. Temporary Uses permitted under this subsection (a)(1)(A)(v), shall be limited to either of the following in a calendar year. Once an election is made in a given calendar year, the option selected is binding for the entire year.

(1) One (1) occasion per year at any given property, limited to one (1) week consisting of seven (7) consecutive days; or

(2) Two (2) occasions per year at any given property, with each such occasion being permitted over three (3) consecutive calendar days. Events conducted more frequently or for a greater duration shall require approval of the Zoning Hearing Board pursuant to Section 350-46(b).

(f) Garage/Yard Sales for Residential Uses. A sales event of miscellaneous and customary residential items occurring on the property of a dwelling unit, operated and controlled by at least one permanent resident of the corresponding dwelling unit, which only offers for sale “used”/previously purchased retail items customary of a residence.

(1) The Garage/Yard Sale may be in operation only between the hours of sunrise to sunset.

(2) Items to be sold shall be displayed only during the hours of operation.

(3) A garage sale event shall be limited to three consecutive days occurring only on a Friday, Saturday, or Sunday.

(4) A maximum of two garage sale events shall be permitted per each of the two halves of a calendar year.

(5) Signage for Garage/Yard Sales is regulated under Section 350-48(s)(10(E)(xv), except that no permit is required for the duration of the Garage/Yard Sale plus two days prior to the commencement of the sale.

(g) Personal Storage Units. Portable storage units are permitted to be placed upon a Lot:

(1) for a period of less than thirty (30) days no more than twice a calendar year.

(2) Units shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(3) Units shall be Setback a minimum of six (6) feet from any Lot Line.

(4) In the event of a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident, the Zoning Officer may extend the by-right permitted period of the Personal Storage Unit placement through the approval of a completed Zoning Permit application.

(h) Dumpsters. Unless as part of a construction project with an active or zoning building permit, dumpsters are temporarily permitted to be placed upon a Lot without having to meet the requirements of Section 350-42(b), provided that:

(1) The dumpster is not placed on the Lot for a period of less than thirty (30) days no more than twice a calendar year.

(2) The dumpster shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(3) The dumpster shall be Setback a minimum of six (6) feet from any Lot Line.

(4) The Zoning Officer may extend the by-right permitted period of the dumpster placement through the approval of a completed Zoning Permit application for clean-up associated with a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident.

(ii) Duration. Unless otherwise specified elsewhere in this Ordinance, Temporary Uses permitted by right shall be limited to either of the following in a calendar year. Once an election is made in a given calendar year, the option selected is binding for the entire year.

(a) One (1) occasion per year at any given property, limited to one (1) week consisting of seven (7) consecutive days; or

(b) Two (2) occasions per year at any given property, with each such occasion being permitted from noon on a Friday until 8:00 p.m. local time on the following Sunday night. Events conducted more frequently or for a greater duration shall require approval of the Zoning Hearing Board pursuant to Section 350-46(b). Notwithstanding anything herein to the contrary, no outdoor commercial recreation activities shall be considered temporary uses permitted by right under Section 350-46.

(iii) Parking. Notwithstanding any provision of this Ordinance to the contrary, Temporary Uses permitted by right shall not be required to provide any specific amount of parking. Instead, parking provided for a Temporary Use shall not block driveways or access ways. Parking shall not be provided on private property without the prior permission of the property owner. Further, no parking shall be provided in any area designated as “no parking” by applicable Township or state regulation.

(iv) Signs. Temporary signage is permitted for temporary uses permitted by right in accordance with this subsection. Temporary signs shall not exceed eight (8’) feet in height and shall not be illuminated in any way. Electronic Graphic Display Signs are not permitted as temporary signage. A temporary use permitted by right may display one (1) sign (consisting of two sign faces) along each front yard exposure of a property upon which a temporary use permitted by right is allowed. Each sign face shall be limited to thirty-two (32) square feet.

→Staff recommends that Section 350-46(a)(i) be amended to add the following subsection:

(A) Temporary Uses Permitted by Right ~~Not~~ Requiring a Permit *with Fee Waived.*

(i) The following Temporary Uses may be undertaken, consistent with the following provisions, ~~without the applicant having to first obtain a permit from the Zoning Officer or having to first obtain approval from the Zoning Hearing Board~~ ***after the issuance of an approved Zoning Permit. The Application Fee is deferred until such time as the application may be reviewed by the Zoning Officer. Should the application be approved by the Zoning Officer, the Application Fee shall be considered to be waived by the Board of Commissioners. Should the application be deemed to not be regulated by Section 350-46(a), the Application shall be denied until such time as the Application Fee is tendered to the Township.***

→Staff recommends that the Fee Schedule be amended to accommodate such actions.

Staff has also noted that the regulations under subsection (1)(A)(i)(c), Clinics coordinated by public health officials, have been preventing temporary COVID vaccination clinics from being set up within the Township, as such clinics have typically not been overseen by public health officials but by for-profit and non-profit organizations. Staff opines that such clinics could be accommodated by either:

1. Amending the language within Section 350-46(a)(1)(A)(i)(c) to remove the “coordinated by public health officials” and “planned by public health officials”.

→Should this option be selected, staff recommends that Section 350-46(a)(1)(A)(i)(c) be amended as follows:

(c) Clinics ~~coordinated by public health officials~~ for administering mass vaccinations, blood drives, and other similar clinics ~~planned by public health officials~~ to meet a regional health need.

2. Place a similar subsection within Section 350-46(a)(1)(B) Temporary Uses Requiring a Permit to address clinics not planned or coordinated by public health officials.

→Should this option be selected, staff recommends that Section 350-46(a)(1)(B)(i) be amended to add a new subsection (e) as follows:

(e) Clinics for administering mass vaccinations, blood drives, and other similar clinics to meet a regional health need.

7. Amend Section 350-47(3) NONCONFORMING STRUCTURES AND BUILDINGS to Clarify the Conditions Under Which a Nonconforming Building or Structure May Be Rebuilt:

Staff noted that, within the afore-mentioned Section, a nonconforming building or structure that has been destroyed may be replaced in the same location. Staff notes that the intent of the Section is to permit the rebuilding of a structure destroyed by accident or Act of God, as opposed to one that is intentionally demolished with the intent to improve and continue the existing nonconforming structure. Staff recommends that this distinction be clarified.

The planning Commission inquired as to whether the regulations would permit a non-conforming property to be rebuilt in the same location in the event of arson or similar criminal act. Staff added a provision to prevent said rebuilding if the property owner perpetrated or directed the afore-mentioned criminal act.

→Staff recommends that Section 350-47(3) be amended as follows:

(3) If a Nonconforming Structure or Building is destroyed ***by accident, criminal act (if determined not to be by or at the direction of the property owner), or Act of God***, or if the nonconforming portion of the Structure or Building is destroyed ***by accident, criminal act (if determined not to be by or at the direction of the property owner), or Act of God***, it may be rebuilt in the same location, provided that:

8. Amend Section 350-48 to Clarify the Order of Precedence for Uses that Contain Other Uses:

Staff noticed that there are a number of Uses within the Zoning Ordinance that contain other Uses, such as Mixed-Use Buildings, Flex Buildings, Coordinated Developments, Shopping Centers, Office Parks, and Retirement Facilities. Generally speaking, these “umbrella” Uses allow a mix of other “sub-Uses” under them, so long as the other “sub-Uses” meet the requirements stipulated everywhere else in the Zoning Ordinance. However, staff noticed that the “umbrella” Uses are not clear as to which set of regulations (those of the “umbrella” Use, the “sub-Use” or both) apply. Staff opined that both sets of regulations should apply, with the regulations of the “umbrella” Use regulations taking precedence should there be a conflict with those of the “sub-Use”.

→Staff recommends that Section 350-48(c)(11)(A) Coordinated Development DEFINITION be amended as follows:

(A) Definition: Two (2) or more uses permitted in the appropriate Zoning District Schedules that are developed in accordance with a unified site plan and architectural scheme, and are either in a single ownership or are legally bound to conform to the aforementioned required unified site plan and architectural scheme. This definition also includes specific types of Coordinated Developments, such as Office Parks, Retirement Facilities, and Shopping Centers. The regulations for Coordinated Developments apply to the specific types of Coordinated Developments, unless otherwise superseded by the regulations of any particular specific Coordinated Development. ***Should there otherwise be any conflict between the requirements of this Use and any Use proposed within this Use, the requirements of this Use supersede those of the Use proposed within this Use.*** This definition does not permit the establishment of a use within a Coordinated Development that would not otherwise be permitted in accordance with this Zoning Ordinance, nor does it abrogate any requirements of any individual Use proposed within the Coordinated Development that are in accordance with this Zoning Ordinance.

→Staff recommends that Section 350-48(f)(4)(A) Flex Space DEFINITION be amended as follows:

(A) Definition: A use, the primary function of which is to house a mix of Manufacturing; Professional Office; Printing, Binding, Publishing; Research and Development; Service Business; Warehousing and Distribution; and Wholesale Sales uses. This definition does not permit the establishment of a use within a Flex Space that would not otherwise be permitted in accordance with this Zoning Ordinance, nor does it abrogate any requirements of any individual Use proposed within the Flex Space that are in accordance with this Zoning Ordinance. ***Should there be any conflict between the requirements of this Use and any Use proposed within this Use, the requirements of this Use supersede those of the Use proposed within this Use.***

→Staff recommends that Section 350-48(m)(4)(A) Mixed-Use Building DEFINITION be amended as follows:

(A) Definition: A single Building containing a combination of permitted commercial uses or residential and commercial uses, in which the permitted commercial uses are located on the ground floor with residential or commercial above. ***Should there be any conflict between the requirements of***

this Use and any Use proposed within this Use, the requirements of this Use supersede those of the Use proposed within this Use.

→Staff recommends that Section 350-48(o)(5)(A) Office Park DEFINITION be amended as follows:

(A) Definition: A specific type of Coordinated Development of at least one (1) of the following uses – Business or Professional Office, Medical Office – in at least two (2) buildings which are planned, constructed and managed as one entity of at least 15,000 square feet of total Primary Use area, and where customer and employee parking is shared and provided on-site. Other Primary Uses permitted in the zoning district may be permitted in an Office Park so long as the Business or Professional Office and/or Medical Office uses comprise the majority of the total Primary Use area within the Office Park. ***Should there be any conflict between the requirements of this Use and any Use proposed within this Use, the requirements of this Use supersede those of the Use proposed within this Use.*** The regulations for Coordinated Developments also apply to Office Parks, unless otherwise specified in Subsection (E) below.

→Staff recommends that Section 350-48(r)(10)(A) Retirement Facility DEFINITION be amended as follows:

(A) Definition: A specific type of Coordinated Development which is a planned residential community for persons of retirement age (aged 55 or older), consisting of Independent Living Units, Assisted Living Residences, Skilled Nursing Care, Nursing Home, or a combination thereof. A retirement facility shall include communal dining, recreation, and Open Space. Ancillary Health Care facilities and ancillary retail sales of food and drugs may also be provided specifically for the use of residents of the complex. ***Should there be any conflict between the requirements of this Use and any Use proposed within this Use, the requirements of this Use supersede those of the Use proposed within this Use.*** The regulations for Coordinated Developments also apply to Retirement Facilities, unless otherwise specified in Subsection (E) below.

→Staff recommends that Section 350-48(s)(8)(A) Shopping Center DEFINITION be amended as follows:

(A) Definition: A specific type of Coordinated Development consisting of a group of at least three (3) of the following uses - Retail Sales, Personal Service Business, Business and Professional Office, Medical Office, bank, Restaurant - which are planned, constructed and managed as one entity of at least 10,000 square feet of gross Primary Use area, where each establishment has an individual entrance from the Parking Area or Street, and where customer and employee parking is shared and provided on-site. Other Primary Uses permitted within the zoning district may be permitted in a Shopping Center so long as the Retail Sales and/or Personal Service Business comprise the majority of the total Primary Use area within the Shopping Center. ***Should there be any conflict between the requirements of this Use and any Use proposed within this Use, the requirements of this Use supersede those of the Use proposed within this Use.*** The regulations for Coordinated Developments also apply to Shopping Centers, unless otherwise specified in Subsection (E) below.

9. Amend Section 350-48(d)(1) DAIRY AND FOOD PROCESSING AND DISTRIBUTION to define the Use, add secondary on-site retail sales and/or consumption of the consumables produced on-site as a Special Exception Use, and add standards and regulations of said secondary on-site retail sales and/or consumption of the consumables produced on-site:

Staff noted that the Use was undefined and opined that an appropriate definition should be developed. Staff also opined that, due to current industry trends, secondary on-site retail sales and/or consumption of the consumables produced on-site should be developed to accommodate such practices. Staff opined that permitting such “secondary” uses as a Special Exception should allow the Township to review each “secondary” use within the context of the Primary Use and the surrounding Uses to ensure that appropriate protections for the surrounding Uses are applied.

Planning Commission inquired as to the asterisks included in the original amendment. Staff, realizing that the meaning of the asterisks was unclear and superfluous, removed them.

→Staff recommends that the existing Section 350-48(d)(1) DAIRY AND FOOD PROCESSING AND DISTRIBUTION be amended as follows:

350-48(d)(1) Dairy and Food Processing and Distribution

(A) Definition: *A Use, the primary function of which is the processing of raw materials into food or drink intended for human consumption. The consumables shall be primarily intended for the wholesale market. Secondary on-site retail sales and/or consumption of the consumables produced on-site may be permitted as a Special Exception Use. The secondary on-site sales shall comprise less than 50% of the total sales of the Use and shall be measured in terms of unit count, volume or monetary value, as determined by the Zoning Officer.*

(B) Use Classification: Commercial, **Industrial**

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																X	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), PLUS three (3) oversized spaces per loading dock. **For ancillary Retail Sales and/or Restaurant uses, use the Off-street Parking Calculations for the appropriate Use(s).**

(E) Additional Regulations: ~~None.~~

(i) Secondary on-site retail sales and/or consumption of the consumables produced on-site shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-16(i):

(1) *Off-street Parking, Buffering and Illumination requirements as appropriate to the secondary on-site retail sales and/or consumption use proposed.*

(2) *The Zoning Hearing Board may further limit and/or add to the conditions of Section 350-48(s)(10)(E)(x) as it applies hereto as to size, height, number and location of signs referencing only the secondary on-site retail sales and/or consumption use.*

→Staff recommends that the Table of Contents be amended as follows:

d	1	Dairy and Food Processing and Distribution	264
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→Staff recommends that Section 350-24(c)(16) Zoning District Schedule be amended as follows:

PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Business and Professional Office Child Day Care Center Coordinated Development Flex Space Dairy and Food Processing and Distribution Forestry		Hotel Laundry and Dry Cleaning Processing and Distribution Lumber yard Manufacturing Massage Service Establishment Medical Office Mixed-Use Building Motel						
								Office Park Printing, Binding, Publishing, etc. Recreation Facility Research and Development Facility Retirement Facility Self-Storage Facility Service Business Utility Support Facility Wholesale Sales

→Staff recommends that Section 350-24(c)(17) Zoning District Schedule be amended as follows:

PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Coordinated Development Flex Space Dairy and Food Processing and Distribution Forestry Laundry and Dry Cleaning Processing and Distribution Manufacturing Mixed-Use Building Printing, Binding, Publishing, etc.								
								Recreation, High Intensity Research and Development Facilities Service Business Shopping Center Utility Support Facility Veterinarian’s Office Wholesale Sales

10. Amend Section 350-48(g)(5) GOLF DRIVING RANGE to Clarify

Use: Staff opined that Golf Driving Ranges are intended to be outdoor Uses, given their 7-acre minimum lot size. However, staff noticed that indoor Golf Driving Ranges require much less space and would be more likely be classified as a Recreation Facility. Staff opined that the addition of the word “outdoor” to the Definition of Golf Driving Range would alleviate that issue.

→Staff recommends that Section 350-48(g)(5)(A) DEFINITION be amended as follows:

- (A) Definition: A use, the primary function of which is the *outdoor* practicing of golf shots.

11. Amend Section 350-48(m)(9) MOTOR VEHICLE SERVICE FACILITY

to Clarify the Definition: Staff noticed that the definition includes the word “secondarily”, which may be interpreted in such a way as to exclude some uses intended to be defined as a Motor Vehicle Service Facility. When the staff devised the definition, a Motor Vehicle Service Facility’s defining characteristic was intended to be the sale or dispensing of motor vehicle fuel or other motor vehicle-related services. Hence, any Use that included the dispensing of motor vehicle fuel or other motor vehicle-related services was intended to be a Motor Vehicle Service Facility. The use of the word “secondarily” with regard to other services performed in conjunction with the Use, such as the sale of food or other consumer goods, could be construed as meaning that the Use may be interpreted as a Use other than Motor Vehicle Service Facility if it can be shown that the dispensing of motor vehicle fuel is “secondary” to the “primary” purpose of food or consumer goods sales (for example). Staff wishes to avoid this possible interpretation by removing the word “secondarily”.

Additionally, staff noted that certain commercial establishments may maintain a fleet of vehicles and have available facilities to dispense fuel and make limited repairs to the fleet vehicles. It is not the intention of staff that these facilities, which serve only the commercial establishment and not the general public, be categorized as Motor Vehicle Service Facilities. Staff opined that this distinction be clarified within the definition of Motor Vehicle Service Facility.

Planning Commission suggested the inclusion of language referring to the activities of fleet vehicles, and staff found the language sufficiently helpful for inclusion.

The existing Section 350-48(m)(9)(A) DEFINITION:

(A) Definition: A commercial use engaging in the sale or dispensing of liquid or gaseous motor vehicle fuel, the sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; or performance of minor automotive maintenance and repairs, supply of other customer service and products relating to the operation and maintenance of vehicles. This use shall not be interpreted, however, to include Motor Vehicle Repair activities. Motor Vehicle Service Facilities may secondarily include Retail Sales activities and Fast Food Restaurant activities, including, but not limited to, the sale of food, beverages, periodicals, and other consumer goods. Any dining areas, inside or outside the Building, shall be included in the total square footage.

→Staff recommends that Section 350-48(m)(9)(A) DEFINITION be amended as follows:

(A) Definition: A commercial use engaging in the sale or dispensing of liquid or gaseous motor vehicle fuel; the sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; or performance of minor automotive maintenance and repairs, supply of other customer service and products relating to the operation and maintenance of vehicles, **to the general public**. This use shall not be interpreted, however, to include Motor Vehicle Repair activities, **nor activities exclusively in support of fleet vehicles**. Motor Vehicle Service Facilities may ~~secondarily~~ include Retail Sales activities and Fast Food Restaurant activities, including, but not limited to, the sale of food, beverages, periodicals, and other consumer goods. Any dining areas, inside or outside the Building, shall be included in the total square footage.

12. Amend Section 350-48(o)(2) OFF-STREET PARKING to Clarify the

Requirements for Off-Street Parking Spaces: Some inconsistencies and conflicts within Section 350-48(o)(2) with regard to the standards for Off-Street Parking, both between Residential and Non-Residential Off-Street Parking and within the Non-Residential Off-Street Parking regulations. Staff proposes a number of small amendments to clarify the regulations and reduce inconsistencies and conflicts. Staff anticipates a major re-write of the Off-Street Parking regulations with the upcoming Zoning Ordinance Update following the adoption of the Comprehensive Plan. *For the purposes of this set of amendments, the term “Residential Off-Street Parking” will refer to the Off-Street Parking required for **Single Dwelling Units, individual Twins, Two-Flats, Three-Flats and individual Townhouses**. It shall not apply to Off-Street Parking for Apartments as part of a Mixed-Use Building or as part of Apartment Buildings.*

Staff notes that Use Classifications do not typically use the term “Non-Residential”; rather they are more specific. For consistency with the rest of the Ordinance, staff opines that “Non-Residential” be replaced with the more specific terms.

Staff also recognized that subsection (E)(ii)(b) was not sufficiently clear in its intended use as an “if all else fails” standard for Off-Street Parking, as opposed to an alternative standard for the Off-Street Parking requirements within each Use Schedule. Staff opines that the subsection should have language added to clarify that intent.

The existing Section 350-48(o)(2)(B) USE CLASSIFICATIONS

(B) Use Classification: Agricultural, Non-Residential, Residential

→Staff recommends that Section 350-48(o)(2)(B) be amended as follows:

(B) Use Classification: Agricultural, ~~Non-Residential~~ Commercial, Industrial, Institutional, Residential

Staff notes that the CR zoning district already has a number of parcels in which the primary Use is Off-Street Parking. While these parcels are now considered to be within a Coordinated Development, a safer approach would be to include Off-Street Parking as a Primary Use within the CR zoning District.

The existing Section 350-48(o)(2)(C) WHERE PERMITTED

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X						X			
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

→Staff recommends that Section 350-48(o)(2)(C) be amended as follows:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X						X	X		
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

Staff notes that subsection (E)(i)(a) attempts to remove Residential Off-Street Parking requirements from subsequent subsections (iii) DESIGN AND CONSTRUCTION, (iv) SETBACKS REQUIRED, and (v) BUFFER STRIPS, SCREENING AND LANDSCAPING. However, in doing so, certain standards that are pertinent to Residential Off-Street Parking are removed. Staff proposes to repair these errors by amending subsection (E)(i)(a) to remove the three afore-mentioned exceptions, adding all Off-Street Parking requirements and standards for Residential Off-Street Parking, and removing Residential Off-Street Parking requirements from the remainder of Section 350-48(o)(2) OFF-STREET PARKING.

The existing Section 350-48(o)(2)(E)(i)(a):

(a) Residential Off-Street Parking servicing three (3) or fewer dwelling units shall comply with all regulations within this Section, as applicable, except for subsections (iii), (iv), and (v) below.

→Staff recommends that 350-48(o)(2)(E)(i)(a) be deleted and replaced in its entirety with the following:

(a) Residential Off-Street Parking servicing Single Dwelling Units, individual Twins, Two-Flats, Three-Flats and individual Townhouses shall comply with the following subsections. No other subsections of Section 350-48(o)(2)(E) shall be applicable.

(1) Spaces to be Provided: Two Off-Street Parking Spaces are to be provided for each dwelling unit, unless otherwise specified within this Zoning Ordinance.

(2) Design and Construction: All Parking Areas shall be adequately graded, drained, paved with a hard surface such as macadam, concrete, etc., and maintained annually. Adequate provision satisfactory to the Township shall be made to channel, divert and/or retain storm water runoff to prevent or minimize flooding both upstream and downstream. Such provisions shall take into account the effect of future development within the watershed.

(3) Parking Space Size: All Standard Parking Spaces shall be nine (9) feet wide and eighteen and one-half (18.5) feet long. Parking Spaces need not be marked.

(4) Setbacks Required: None.

(5) Buffer Strips Required: None.

→Staff recommends that 350-48(o)(2)(E)(i)(b) be amended as follows:

(b) All Off-Street Parking Spaces, except those regulated under subsection (a) above, shall comply will all regulations within this Section **350-48(o)(2)(E)**, as applicable.

→Staff recommends that 350-48(o)(2)(E)(iii)(d) be amended as follows to remove a now-superfluous clause:

(d) Illumination. All Parking Areas, ~~except those servicing three (3) or fewer dwelling units,~~ shall be illuminated adequately during the hours between sunset and sunrise when the Use is in operation in accordance with the standards set forth in Section 350-42(i) which standards are also the applicable standards for Parking Areas.

→Staff recommends that 350-48(o)(2)(E)(iv)(h) be deleted in its entirety to remove the now-superfluous Section:

~~(h) — Residential Parking Spaces required by Section 350-48(o)(2)(E)(i)(a) shall have no setback requirements.~~

Staff notes that subsection (E)(ii) SPACES TO BE PROVIDED could be improved to clarify the use of the term “spaces” and the use of the General Rules in subsections (b)(1), (2), and (3). Staff also notes that subsection (b) should have language added that indicates that the General Rules are only to be used in cases where the Use Schedules of Section 350-48 do not provide a Minimum Off-Street Parking requirement.

The existing Section 350-48(o)(2)(E)(ii)(a) and (b):

(a) The types of off-Street Parking Spaces to be provided for each Use and establishment shall be for Standard, Large and Oversize spaces, the specifications for each are set forth in subsection (iii) below. The proportion of Large spaces to be provided to Standard spaces to be provided is 1 to 150, with fractions rounded down to the nearest whole number. For the purposes of this Section 350-48(o)(2), the term “spaces” refers to Standard Spaces, unless otherwise specified. Requirements for Standard Spaces are calculated first, and then calculations for Large and Oversized Spaces are based upon those Standard Space calculations. Large and Oversized Spaces are not to be included in the Standard Space requirements of this Section. If a Large space is specified for a particular use under subsection (b) below, that number is added to the number required within this subsection (a). The proportion of Oversize spaces to be provided to Standard spaces to be provided is 1 to 300, with fractions rounded down to the nearest whole number. Unless otherwise specified, references to parking spaces in subsection (b) below refer to Standard parking spaces.

(b) The number of off-Street Parking Spaces to be provided for each Use and establishment shall be sufficient to accommodate the vehicles of the Use, its employees and customers or visitors but not less than the aggregate of the following:

(1) Commercial General Rule: 1.0 space for each two hundred (200) square feet of total Floor Area

(2) Industrial General Rule: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55’ x 10’ in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(3) Public Assembly General Rule: 1.0 space for each three (3) permanent seats, plus 1.0 space per fifty (50) square feet of any additional room used for the assembly of the general public, if applicable, excluding lobbies, vestibules and similar areas.

→Staff recommends that 350-48(o)(2)(E)(ii)(a) be amended as follows to clarify that the term “spaces” typically refers to Standard Parking Spaces throughout the Zoning Ordinance, unless otherwise specified:

(a) The types of off-Street Parking Spaces to be provided for each Use and establishment shall be for Standard, Large and Oversize spaces, the specifications for each are set forth in subsection (iii) below. The proportion of Large spaces to be provided to Standard spaces to be provided is 1 to 150, with fractions rounded down to the nearest whole number. For the purposes of this Section 350-48(o)(2), the term “spaces” **typically** refers to Standard Spaces **throughout this Zoning Ordinance**, unless otherwise specified. Requirements for Standard Spaces are calculated first, and then calculations for Large and Oversized Spaces are based upon those Standard Space calculations. Large and Oversized Spaces are not to be included in the Standard Space requirements of this Section. If a Large space is specified for a particular use under subsection (b) below, that number is added to the number required within this subsection (a). The proportion of Oversize spaces to be provided to Standard spaces to be provided is 1 to 300, with fractions rounded down to the nearest whole number. Unless otherwise specified, references to parking spaces in subsection (b) below refer to Standard parking spaces.

→Staff recommends that 350-48(o)(2)(E)(ii)(b) be amended as follows to clarify that the General Rules are to be utilized only when Off-Street Parking Requirements are not listed within a given Use Schedule, when a Use is not listed with Section 350-48 Use Schedules, or a method of calculating an Off-Street Parking requirement is not listed elsewhere within the Zoning Ordinance:

(b) The number of off-Street Parking Spaces to be provided for each Use and establishment shall be sufficient to accommodate the vehicles of the Use, its employees and customers or visitors. ~~but not less than the aggregate of the following~~ **The following General Rules are to be utilized only when Off-Street Parking Requirements are not listed within a given Use Schedule, when a Use is not listed with Section 350-48 Use Schedules, or a method of calculating an Off-Street Parking requirement is not listed elsewhere within the Zoning Ordinance:**

As with Buffer Strips, staff notes that Off-Street Parking Setbacks may be impacted when one or more adjoining Uses have Multiple Use Classifications that could be both similar and dissimilar to the Use Classification(s) of the adjoiner. In these situations, staff opines that the Zoning Officer should make a determination as to which Use Classification(s) is/are appropriate for the situation, therefore allowing the Zoning Officer to make an appropriate determination as to the required Off-Street Parking Setback. Staff opines that similar language proposed to be added to Section 350-42(b)(Buffer Strips be included in Section 350-48(o)(2)(E)(iv)(

The existing Section 350-48(o)(2)(E)(iv):

(b) For purposes of this Section 350-48(o)(2)(E)(iv), the size of the Parking Area shall be the sum of all Parking Areas that are not separated from each other by at least fifty (50) feet at their closest point.

→Staff recommends that 350-48(o)(2)(E)(iv) be amended to add the above-mentioned language as follows

(b) For purposes of this Section 350-48(o)(2)(E)(iv);:

(1) the size of the Parking Area shall be the sum of all Parking Areas that are not separated from each other by at least fifty (50) feet at their closest point.

(2) **Where one or more adjoining Uses have multiple Use Classifications which impact the applicability of a subsection, the Zoning Officer shall make a determination as to which Use Classification is most applicable within the specific situation and apply it appropriately.**

13. Amend Section 350-48(o)(2)(E)(iii)(a) OFF-STREET PARKING to Remove the Prohibition of Indented Parking Spaces from the Zoning Ordinance:

Staff noted that Section 350-48(o)(2)(E)(iii)(a)(1) indicates that indented parking spaces are prohibited. Staff notes that the Zoning Ordinance regulates private property and not the street right-of-way. Additionally, Street construction standards are regulated within SALDO. Staff opines that the design of streets (including private streets) falls under SALDO and that alternative designs for parking should be available after review and recommendation by the Planning Commission. Staff opines that this subsection should be removed.

→Staff recommends that Section 350-48(o)(2)(E)(iii)(a)(1) be deleted in its entirety and the subsequent subsections renumbered appropriately:

~~(1) Indented parking, i.e., creating Parking Spaces by indenting the curb line or Right-of-Way of a Street or by traversing said curb line is hereby prohibited.~~

(21) No Parking Area for five (5) or more vehicles shall be permitted which will cause vehicles to back onto a Collector or Arterial Street, except in RR-3, RR-2 or R-R districts or where land is being used for agricultural, horticultural, nursery, including raising and keeping of farm Animals.

(32) Parking Areas shall be designated so that each vehicle may proceed to and from its Parking Space without requiring the movement of any other vehicle.

(43) All Parking Areas shall be adequately graded, drained, paved with a hard surface such as macadam, concrete, etc., and maintained annually. Adequate provision satisfactory to the Township shall be made to channel, divert and/or retain storm water runoff to prevent or minimize flooding both upstream and downstream. Such provisions shall take into account the effect of future development within the watershed.

(54) All Parking Areas shall be confined within Portland cement concrete curbing, guardrails, or anchored bumper blocks to prevent or discourage parking or traveling off the paved area. Portland cement concrete curbing may also be specified where it is necessary to control storm water runoff.

(65) All Parking Areas shall be clearly marked for vehicle spaces.

(76) No Parking Area shall provide for more than twenty-five (25) vehicle spaces in any row without being separated by planting strips at least ten (10) feet in width or planting aisles with a minimum area of one hundred sixty two (162) square feet.

(87) Parking Areas exceeding thirty thousand (30,000) square feet in commercial and industrial districts shall be provided with curbing, and planter strips to control traffic flow and to provide walkways for pedestrian safety in the Parking Areas to the satisfaction of the Township.

14. Amend Section 350-48(o)(2)(E)(iii)(a)(8) OFF-STREET PARKING DESIGN STANDARDS to Require Pedestrian Safety Measures in

All Large Parking Lots: Staff noted that the above-mentioned section requires “curbing, and planter strips to control traffic flow and to provide walkways for pedestrian safety” in all parking lots over 30,000 square feet in area *in all commercial and industrial districts*. Staff opined that such measures should be present in all large parking lots.

The existing Section 350-48(o)(2)(E)(iii)(a)(8):

(8) Parking Areas exceeding thirty thousand (30,000) square feet in commercial and industrial districts shall be provided with curbing, and planter strips to control traffic flow and to provide walkways for pedestrian safety in the Parking Areas to the satisfaction of the Township.

→Staff recommends that Section 350-48(o)(2)(E)(iii)(a)(8) be amended as follows:

(8) Parking Areas exceeding thirty thousand (30,000) square feet ~~in commercial and industrial districts~~ shall be provided with curbing, and planter strips to control traffic flow and to provide walkways for pedestrian safety in the Parking Areas to the satisfaction of the Township.

15. Amend Section 350-48(p)(2) PERSONAL SERVICE BUSINESS to Clarify the Regulations Pertaining to Personal Service Businesses and Laundromats:

Staff has noticed that there could be some confusion regarding the status of laundromats as a Personal Service Business. Laundromats are intended to be included within the Use Personal Service Business, but the grammar within the definition may cause them to be excluded. Staff opined that this should be clarified.

The existing Section 350-48(p)(2)(A) DEFINITIONS:

(A) Definition: Businesses whose principal activities involve the provision of personal services to the general public, including but not limited to barber, beauty shop, nail salon, tailor, dressmaking, Massage Service Establishment, shoe repair, photographer, travel agency or similar service uses, including a dry cleaning storefront for pickup and drop-off, but excluding processing, and laundromats, and secondarily may involve the minor retail sale of products associated with the principal activity. This definition excludes adult uses.

→Staff recommends that Section 350-48(p)(2)(A) DEFINITIONS be amended as follows:

(A) Definition: Businesses whose principal activities involve the provision of personal services to the general public, including but not limited to barber, beauty shop, nail salon, tailor, dressmaking, Massage Service Establishment, shoe repair, photographer, travel agency ~~or similar service uses,~~ ~~including laundromat,~~ a dry cleaning storefronts for pickup and drop-off, ~~(but excluding processing,~~ ~~and laundromats,~~ or similar service uses. ~~and secondarily may~~ **Such businesses may also** involve the minor retail sale of products associated with the principal activity. This definition excludes adult uses.

16. Amend Section 350-48(s)(10)(E)(ii)(b)(1) EXEMPT SIGNS to Clarify the Regulations Regarding Drive-Thru Menu Boards:

Staff has noted that, under the subsection exempting directional signs, an exception to the required four square-foot maximum size is the Drive-Thru Menu Board, which, within the subsection is described as “signage that is expressly used to facilitate the ordering of items in a drive through of a commercial use”. Staff opines that adding the more colloquial name of “Drive-Thru Menu Board” would make it clear to all readers exactly what the exemption is meant for.

The existing Section 350-48(s)(10)(E)(ii)(b)(1):

(1) Such signs shall not exceed four square feet in size except for signage that is expressly used to facilitate the ordering of items in a drive-through of a commercial use, which would be limited to fifty (50) square feet in area.

→Staff recommends that Section 350-48(s)(10)(E)(ii)(b)(2) be amended as follows:

(1) Such signs shall not exceed four square feet in size except for signage that is expressly used to facilitate the ordering of items in a drive-through of a commercial use (***Drive-Thru Menu Board***), which would be limited to fifty (50) square feet in area.

17. Amend Section 350-48(s)(10)(E)(ii)(c) TEMPORARY EVENT

SIGNS to Clarify Use: Staff noticed that Signs for Temporary Events are to be exempted from sign regulations, but “Temporary Events” are not defined within the Section and are only referenced within that subsection. Staff opined that Temporary Events are likely intended to be those referenced in Section 350-46(a)(1)(A)(i) TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT. These include the following:

(a) **Non-profit events.** Annual or semi-annual non-profit events, including but not limited to, craft shows, car washes, swim meets, small-scale carnivals, bake sales, and/or events conducted by schools, places of worship, or other non-profit civic groups.

(b) **A festival** by a place of worship or Emergency Response Service Facility clearly intended to benefit charitable, religious or public safety programs of such places of worship, or Emergency Response Service Facilities.

(c) **Clinics** coordinated by public health officials for administering mass vaccinations, blood drives, and other similar clinics planned by public health officials to meet a regional health need.

(d) **Temporary offices, structures, and shelters** coordinated by emergency responders or public officials due to a natural disaster or emergency event. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(iv), for which the limit shall be thirty (30) days in any calendar year.

(e) **Commercial open houses, grand opening events for new commercial uses and customer appreciation events** for existing commercial uses. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(v), for which the limit shall be as follows. Temporary Uses permitted under this subsection (a)(1)(A)(v), shall be limited to either of the following in a calendar year. Once an election is made in a given calendar year, the option selected is binding for the entire year.

(1) One (1) occasion per year at any given property, limited to one (1) week consisting of seven (7) consecutive days; or

(2) Two (2) occasions per year at any given property, with each such occasion being permitted over three (3) consecutive calendar days. Events conducted more frequently or for a greater duration shall require approval of the Zoning Hearing Board pursuant to Section 350-46(b).

(f) **Garage/Yard Sales for Residential Uses.** A sales event of miscellaneous and customary residential items occurring on the property of a dwelling unit, operated and controlled by at least one permanent resident of the corresponding dwelling unit, which only offers for sale “used”/previously purchased retail items customary of a residence.

(1) The Garage/Yard Sale may be in operation only between the hours of sunrise to sunset.

(2) Items to be sold shall be displayed only during the hours of operation.

(3) A garage sale event shall be limited to three consecutive days occurring only on a Friday, Saturday, or Sunday.

(4) A maximum of two garage sale events shall be permitted per each of the two halves of a calendar year.

(5) Signage for Garage/Yard Sales is regulated under Section 350-48(s)(10)(E)(xv), except that no permit is required for the duration of the Garage/Yard Sale plus two days prior to the commencement of the sale.

(g) **Personal Storage Units.** Portable storage units are permitted to be placed upon a Lot:

(1) for a period of less than thirty (30) days no more than twice a calendar year.

(2) Units shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(3) Units shall be Setback a minimum of six (6) feet from any Lot Line.

(4) In the event of a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident, the Zoning Officer may extend the by-right permitted period of the Personal Storage Unit placement through the approval of a completed Zoning Permit application.

(h) **Dumpsters.** Unless as part of a construction project with an active or zoning building permit, dumpsters are temporarily permitted to be placed upon a Lot without having to meet the requirements of Section 350-42(b), provided that:

(1) The dumpster is not placed on the Lot for a period of less than thirty (30) days no more than twice a calendar year.

(2) The dumpster shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(3) The dumpster shall be Setback a minimum of six (6) feet from any Lot Line.

(4) The Zoning Officer may extend the by-right permitted period of the dumpster placement through the approval of a completed Zoning Permit application for clean-up associated with a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident.

While subsections (g) and (h) typically do not create a need for temporary signage, the remaining of the Uses within the subsection typically do. Staff opined that referencing the Uses listed within Section 350-46(a)(1)(A) TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT would clarify exactly what "Temporary Events" means within the sign regulations.

→Staff recommends that Section 350-48(s)(10)(E)(ii)(c) TEMPORARY EVENT SIGNS be amended as follows:

(c) Temporary Event Signs. On premises signs for Temporary Events, *as listed in Section 350-46(a)(1)(A) TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT*, are exempt. Off-premises signs regulated under Section 350-48(s)(10)(E)(xv).

Should the Board of Commissioners adopt the amendment proposed in Staff-Suggested Repairs Item #6 Section 350-46(a) TEMPORARY USES BY RIGHT, the above language would be changed to the following:

(c) Temporary Event Signs. On premises signs for Temporary Events, **as listed in Section 350-46(a)(1)(A) TEMPORARY USES PERMITTED BY RIGHT REQUIRING A PERMIT WITH FEE WAIVED**, are exempt. Off-premises signs regulated under Section 350-48(s)(10)(E)(xv).

Staff also opines that there should be some common-sense limitations placed on Temporary Event Signs. If the Planning Commission is so inclined, Section 350-48(s)(10)(E)(ii)(c) TEMPORARY EVENT SIGNS can be further amended to add some basic requirements, as recommended by staff.

→Staff recommends that Section 350-48(s)(10)(E)(ii)(c) TEMPORARY EVENT SIGNS be amended as follows:

(c) Temporary Event Signs. On premises signs for Temporary Events, **as listed in Section 350-46(a)(1)(A) TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT**, are exempt **from the requirements of this Ordinance, with the exception of the following subsections below**. Off-premises signs regulated under Section 350-48(s)(10)(E)(xv).

(1) Temporary Event Signs shall be erected no more than thirty (30) days before the event and shall be removed no more than seven (7) days after the event.

(2) Each Temporary Event Sign shall be no more than twelve (12) square feet in size.

(3) Temporary Event Signs shall not be illuminated or Electronic Graphic Display.

Should the Board of Commissioners adopt the amendment proposed in Staff-Suggested Repairs Item #6 Section 350-46(a) TEMPORARY USES BY RIGHT, the above language would be changed to the following:

(c) Temporary Event Signs. On premises signs for Temporary Events, **as listed in Section 350-46(a)(1)(A) TEMPORARY USES PERMITTED BY RIGHT REQUIRING A PERMIT WITH FEE WAIVED**, are exempt **from the requirements of this Ordinance, with the exception of the following subsections below**. Off-premises signs regulated under Section 350-48(s)(10)(E)(xv).

18. Amend Section 350-48(s)(10)(E)(ii)(f) EXEMPT SIGNS FLAGS to Clarify the Regulations Regarding Flags:

A Section within the Section 350-48(s)(10) that has been repeatedly mentioned within LVPC Ordinance Amendment reviews has been the Township's stringent regulations regarding flags. Staff opines that correcting the Township's requirements may avoid a challenge in the future with minimal impact to the aesthetics of the Township.

The existing Section 350-48(s)(10)(E)(ii)(f):

(f) In addition to any other signage permitted by this article, a nonresidential Lot may display a maximum of three (3) flags, where each flag is a maximum of thirty-five (35) square feet and flown on a standard flagpole with a maximum height of thirty-five (35) feet. Such flags may display the flag of the United States, a US Military branch, the flag of the Commonwealth of Pennsylvania, or the POW/MIA. Each flagpole shall be Setback a distance equal to its height from all Lot Lines. In the event that a flagpole is attached to a Building, such flagpole shall not extend above the Sign height line of such Building.

→Staff recommends that Section 350-48(s)(10)(E)(ii)(f) FLAGS be amended as follows:

(f) **Flags.** ~~In addition to any other signage permitted by this article, a nonresidential Lot may display a maximum of three (3) flags, where each flag is a maximum of thirty-five (35) square feet and flown on a standard flagpole with a maximum height of thirty-five (35) feet. Such flags may display the flag of the United States, a US Military branch, the flag of the Commonwealth of Pennsylvania, or the POW/MIA.~~ **Should a flagpole be used, Each** flagpole shall be **a maximum height of thirty-five (35) feet and** setback a distance equal to its height from all Lot Lines. **In the event that a flagpole is attached to a Building, such flagpole shall not extend above the Sign height line of such Building such flagpole shall adhere to this Section with regard to setbacks from property lines and to Section 350-42(h) Height Exceptions with regard to height.**

Staff noted that Section 350-44(a) ACCESSORY USES IN RESIDENTIAL DISTRICTS also list Flagpoles. The Section should be amended to clarify the maximum height of a Flagpole to ensure consistency with Section 350-48(s)(10). The existing Section 350-44(a)(1):

(1) Accessory Buildings and/or uses customarily incidental to a residential Use and not specifically designated in Section 350-24(c) shall be permitted in accordance with the following:

(A) Yard ornaments, play Structures, fountains, flagpoles, clothes lines, and similar objects may be permitted in all yards and all yard Setbacks. Any such Structure or object which exceeds six (6) feet in height above ground level shall be at least six (6) feet from the front, Street, side or rear Lot Line.

→Staff recommends that Section 350-44(a)(1)(A) be amended as follows:

(A) Yard ornaments, play Structures, fountains, flagpoles, clothes lines, and similar objects may be permitted in all yards and all yard Setbacks. Any such Structure or object which exceeds six (6) feet in height above ground level shall be at least six (6) feet from the front, Street, side or rear Lot Line, **except for Flagpoles, which shall conform with Section 350-48(s)(10)(E)(ii)(f).**

19. Amend Section 350-48(s)(10)(E)(viii) GENERAL SIGN REGULATIONS to Clarify the Sign Regulations for Grand

Openings: Under General Sign Regulations, subsection (b) refers to “opening of a new establishment”. Within seven days from the date of said opening, pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners are permitted. Staff opines that the afore mentioned “opening of a new establishment” refers to the “Grand Openings” under Section 350-46(a)(1)(A) TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT, subsection (e).

The existing Section 350-48(s)(10)(E)(viii)(b):

(b) The Use of pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners is prohibited, other than for a period of seven (7) days from the date of opening of a new establishment. However, the restriction against the Use of flags, streamers, balloons and banners shall not apply to signs erected pursuant to Section 350-48(s)(10)(E)(xv)(e) or Section 350-41(c), required by State or Federal Regulations, or flags erected on flagpoles in accordance with Section 350-48(s)(10)(E)(ii)(e).

The existing Section 350-46(a)(1)(A)(i)(e) TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT:

(e) **Commercial open houses, grand opening events for new commercial uses and customer appreciation events** for existing commercial uses. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(v), for which the limit shall be as follows. Temporary Uses permitted under this subsection (a)(1)(A)(v), shall be limited to either of the following in a calendar year. Once an election is made in a given calendar year, the option selected is binding for the entire year.

(1) One (1) occasion per year at any given property, limited to one (1) week consisting of seven (7) consecutive days; or

(2) Two (2) occasions per year at any given property, with each such occasion being permitted over three (3) consecutive calendar days. Events conducted more frequently or for a greater duration shall require approval of the Zoning Hearing Board pursuant to Section 350-46(b).

Staff noted that the two sections are not consistent in either events permitted or in timeframes permitted. Staff opines that bringing the Sign regulations into consistency with the Temporary Use regulations would be appropriate.

→Staff recommends that Section 350-48(s)(10)(E)(viii)(b) be amended as follows:

(b) The Use of pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners is prohibited, other than ~~for a period of seven (7) days from the date of opening of a new establishment~~ **in conjunction with the TEMPORARY USES PERMITTED BY RIGHT NOT REQUIRING A PERMIT within Section 350-46(a)(1)(A)(i)(e). Use of the afore mentioned pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners associated with the afore mentioned Temporary Use shall be limited to the timeframes specified within Section 350-46(a)(1)(A)(i)(e)(1) or (2).** However, the restriction against the Use of flags, streamers, balloons and banners shall not apply to signs erected pursuant to Section 350-48(s)(10)(E)(xv)(e) or Section 350-41(c), required by State or Federal Regulations, or flags erected on flagpoles in accordance with Section 350-48(s)(10)(E)(ii)(e) **and (f).**

Should the Board of Commissioners adopt the amendment proposed in Staff-Suggested Repairs Item #6 Section 350-46(a) TEMPORARY USES BY RIGHT, the above language would be changed to the following:

(b) The Use of pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners is prohibited, other than ~~for a period of seven (7) days from the date of opening of a new establishment~~ **in conjunction with the TEMPORARY USES PERMITTED BY RIGHT REQUIRING A PERMIT WITH FEE WAIVED within Section 350-46(a)(1)(A)(i)(e). Use of the afore mentioned pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners associated with the afore mentioned Temporary Use shall be limited to the timeframes specified within Section 350-46(a)(1)(A)(i)(e)(1) or (2).** However, the restriction against the Use of flags, streamers, balloons and banners shall not apply to signs erected pursuant to Section 350-48(s)(10)(E)(xv)(e) or Section 350-41(c), required by State or Federal Regulations, or flags erected on flagpoles in accordance with Section 350-48(s)(10)(E)(ii)(e) **and (f).**

RESIDENT/BUSINESS- INSPIRED ISSUES

1. Amend Section 350-13(d)(3) to Change the Time Period Required for an Applicant to Begin Construction on an Approved Project:

Staff has noticed over the last several years that projects that gain approval at the Zoning Hearing Board often must return for an extension to the approval, as their one-year timeframe is often insufficient to secure all necessary permits and approvals prior to the commencement of construction. Staff opines that changing the timeframe from one year to two better reflects the current timeframe required to secure all permits and approvals and will reduce the time and expense upon the residents and businesses of the Township while reducing the workload of staff without compromising the integrity of the process.

The existing Section 350-13(d)(3) LIFE OF A ZONING PERMIT:

(3) In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction or Alteration within one year of the final action by the Zoning Hearing Board. In the event construction has not commenced within the one year period, the variances, authorizations and permits granted by the Zoning Hearing Board are automatically revoked. The applicant may request in writing extensions of the one year period stating the reasons for delay. The Zoning Hearing Board may grant extensions of the one year period if it finds that the reasons for such delay in construction are justifiable and reasonable. When it is expected that the construction or development authorized will commence in phases over an extended period of time, the Zoning Hearing Board may establish a schedule for the procurement of permits in lieu of the one year period specified above.

→Staff recommends that Section 350-13(d)(3) LIFE OF A ZONING PERMIT be amended as follows:

(3) In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction or Alteration within ~~one year~~ **two years** of the final action by the Zoning Hearing Board. In the event construction has not commenced within the ~~one-year~~ **two-year** period, the variances, authorizations and permits granted by the Zoning Hearing Board are automatically revoked. The applicant may request in writing extensions of the ~~one-year~~ **two-year** period stating the reasons for delay. The Zoning Hearing Board may grant extensions of the ~~one-year~~ **two-year** period if it finds that the reasons for such delay in construction are justifiable and reasonable. When it is expected that the construction or development authorized will commence in phases over an extended period of time, the Zoning Hearing Board may establish a schedule for the procurement of permits in lieu of the ~~one-year~~ **two-year** period specified above.

2. Amend Section 350-42(a) ACCESSORY USES AND STRUCTURES, Section 350-48(g)(1) GARAGE/CARPORT, PRIVATE, and Section 350-48(s)(17) STORAGE BUILDING (SHED) to clarify setbacks and proportionality to the Primary Use:

In previous Zoning Ordinances, there was a Section relating to the proportionality of Residential Accessory Structures when related to the Residential Primary Structure. This kept detached garages, sheds and the like from becoming larger than the dwelling that it sits next to. At some point, it was inadvertently removed. The issue surfaced recently and staff seeks to have the Section reinstated.

→Staff recommends that Section 350-48(g)(1) GARAGE/CARPORT, PRIVATE be amended as follows:

350-48(g)(1) Garage/Carport, Private *Detached*

(A) Definition: A **detached accessory** Structure **accessible by a driveway and** ~~or portion thereof~~ maintained for ~~the~~ storage and/or parking of vehicles operated by ~~customers, employees, the inhabitants~~ and visitors of the **residence** ~~Principal Building(s) and in which no business or other Use is carried on and no services rendered to the general public.~~

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: ~~None.~~

(i) The Building Footprint and/or gross floor area shall be no greater than 75% the Building Footprint and/or gross floor area of the principal Dwelling unit.

→Staff recommends that Section 350-48(s)(17) STORAGE BUILDING (SHED) be amended as follows:

350-48(s)(17) Storage Building (Shed)

(A) Definition: An Accessory Building, not otherwise defined by this Ordinance, subordinate to and detached from the Primary Building on the same Lot and used for the storage of items customarily incidental to the Use of property.

(B) Use Classification: Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

~~(i) For Non-Residential Accessory Storage Buildings, The area of any Storage Building shall not exceed 300 square feet in gross area or exceed fifteen (15) percent of the area of the Building Footprint of the associated Principal Building on the same Lot, whichever is smaller.~~

~~(ii) For Residential Accessory Storage Buildings, The total gross Floor Area of residential Accessory Buildings shall not exceed the gross square footage of the principal use. The footprint of any one Accessory Building shall be smaller than the Building Footprint of the principal Dwelling unit.~~

(i) For Storage Buildings accessory to Agricultural Uses

(a) See Section 350-48(f)(2) Farm Outbuildings.

(ii) For Storage Buildings accessory to Commercial, Industrial or Institutional Uses

(a) The area of any Storage Building shall not exceed 300 square feet in gross area or exceed fifteen (15) percent of the area of the Building Footprint of the associated Principal Building on the same Lot, whichever is smaller.

(iii) For Storage Building accessory to Residential Uses

(a) Size.

(1) The total gross Floor Area of all Storage Buildings on the lot shall not exceed fifty (50) percent of the gross square footage of the principal Dwelling unit.

(2) The footprint of any one Storage Building shall be shall not exceed fifty (50) percent of the Building Footprint of the principal Dwelling unit.

(b) Storage Buildings exceeding 500 square feet in Building Footprint shall adhere to the side and rear yard setbacks for the Primary Use. Such Storage Buildings shall adhere to the front yard setbacks as required in Section 350-24(c) or 350-42(a), as applicable.

3. Amend Section 350-42(q)(3) NON-STANDARD PETS to Add

Horses: Staff noted that the keeping of horses, outside of a commercial use, appears not to be addressed within the Zoning Ordinance. There are a number of residents who keep horses as pets (as defined in the Zoning Ordinance) and staff has received a number of questions regarding the keep of horses for personal enjoyment. Staff also notes that Stable is a permitted Accessory Use for both residential and non-residential Uses within the rural zoning districts, which indicates there is some intention to allow for the keeping of horses within the Township. Staff opines that there a number of residential properties that would be sufficiently large to permit the keeping of horses, particularly within the RR-3, RR-2 and RR zoning districts. Staff opines that the keeping of horses is more appropriately treated within the Pet regulations as opposed to treating it as an Agricultural Use. Therefore, staff proposes to amend Section 350-42(q)(3) NON-STANDARD PETS to include the following subsection:

→Staff recommends that Section 350-42(q)(3) be amended to add the following subsection:

(B) Horses *(Domesticated Equidae, including donkeys, mules, and ponies) as Pets (a non-commercial Use). For agricultural, commercial or institutional Use of horses, see Section 350-48(s)(16) Stables and other applicable Sections.*

(i) Zoning Districts. *The keeping, housing and/or pasturing of horses shall be permitted within the RR-3, RR-2, and RR Zoning Districts.*

(ii) Minimum Required Land for Pasturing and/or Housing of Horses. *A minimum of one (1) acre of land free of impervious surface (buildings, structures or hardscape) is required for the first horse to be housed and/or pastured on the Lot. Each additional horse to be housed and/or pastured on the Lot (beyond the afore-mentioned first horse) shall be provided an additional acre of land free of impervious surface. The housing and/or pasturing of more than eight (8) horses on a Lot shall require Special Exception approval. NOTE: The afore-mentioned minimum requirements may be superseded by a Nutrient Management Plan approved by the appropriate regulatory agency. The applicant shall provide an Approved Nutrient Management Plan or confirmation that said plan is not required to the Zoning Officer upon request.*

(iv) Pasture Land Requirements. *Land utilized for the pasturing and/or housing of horses (as required by subsection (iii) above) shall be:*

(a) *Used exclusively for the pasturing and/or housing of horses.*

(b) *Shall be an open area maintained entirely in vegetative cover.*

(c) *Shall not be wooded or forested.*

(v) Fencing. *Land for Pasturing and/or Housing of Horses shall be enclosed within a fence. Horses shall be kept within the fenced enclosure at all times when not leashed, haltered, bridled and under direct control of the owner or authorized agent of the owner.*

(vi) Setbacks. *In addition to the setback requirements of Sections 350-24(c) and 350-48(s)(16)(E)(i) Stables, the following setback requirements apply:*

(a) *All buildings or structures storing feed or other materials used in the care or maintenance of horses shall be set back a minimum of one-hundred (100) feet*

from all property lines.

(b) Any building, structure or area used for the storage of animal wastes shall be set back a minimum of one hundred (100) feet from a property line, wetland or waterway and two hundred (200) feet from a Dwelling on an adjoining Lot.

(c) Fencing shall be set back a minimum of six (6) feet from all property lines. Electric Fences shall be posted with appropriate warning signage (each sign being no larger than two (2) square feet in area); one sign to be posted every 100 linear feet of electric fence.

4. Amend Section 350-44(c) to Correct the Impervious Lot Coverage

for a Residential Use: Staff noticed that the chart designating the Maximum Percentage of Lot Coverage permitted for Residential Uses creates conflicting situations around the points where the categories change. Staff’s original concept was that residential life demands a certain amount of impervious surface, regardless of the size of the house and accessory uses, but to maintain community standards of proportionality and discourage excessive impervious surface, once that “standard amount of impervious surface” is reached larger lots should be required to maintain more non-impervious surfaces. Therefore, smaller lots should be permitted more impervious surface (as a percentage of the lot area), while larger lots should be permitted less (as a percentage of the lot). Unfortunately, this rigid chart has led to some situations that are contradictory to the intent of the Section. For example, a residential lot of 5,000 square feet in area is currently permitted 5,000 square feet of impervious coverage, but a lot of 5,001 square feet in area is permitted 3,750.75 square feet of impervious surface. This discrepancy escalates at larger lot sizes – for example, a 5-acre lot is permitted 54,450 square feet of impervious surface but a 5.001-acre lot is permitted only 32,676.5 square feet of impervious surface. Staff opines that at least five solutions are possible: 1) the removal of the chart in its entirety and reliance on the current stormwater management regulations to minimize the amount of impervious surface created and maintained on residential lots, 2) the amendment of the chart to a single maximum lot coverage regardless of size (the same as the Non-Residential Maximum Impervious Coverage of 75%), 3) the amendment of the chart to achieve a smooth increase of allowable impervious surface that would increase the allowable impervious surface at the higher end of the chart, 4) the amendment of the chart to achieve a smooth increase of allowable impervious surface that would generally be consistent with the current outcomes, or 5) the amendment of the chart to achieve a smooth increase of allowable impervious surface that would decrease the allowable impervious surface at the higher end of the chart. Staff also opined that it may be desirable to allow residential uses to exceed the above-mentioned limitations with an additional layer of review. For this sixth option, staff opined that a Special Exception review would allow a public forum for the approval of such uses and would allow the Zoning Hearing Board to require reasonable conditions within the context of each application. Staff presents all solutions below and requests direction as to the preferred method.

Staff opines that a further option would be to reduce the maximum impervious surface in the “Up to 5,000 square foot” category to require some pervious surface on the lot. Staff opines that changing this requirement would create few, if any, non-conforming lots within the Township. If desired, this can be easily accomplished by adjusting the calculations in the charts as necessary.

The existing Section 350-44(c):

(c) Impervious Lot Coverage for a Residential Use is as follows:

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100%
>5,000 sq. ft. to 10,000 sq. ft.	75%
>10,000 sq. ft. to 25,000 sq. ft.	65%
> 25,000 sq. ft. to 43,560 sq. ft.	50%
> 43,560 sq. ft. to 5 acres	25%

> 5 acres	15%
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→(1) If the direction of the Planning Commission is to remove the Residential Maximum Impervious Surface Requirements entirely, staff recommends that Section 350-44(c) be removed in its entirety:

~~(c) Impervious Lot Coverage for a Residential Use is as follows:~~

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100%
>5,000 sq. ft. to 10,000 sq. ft.	75%
>10,000 sq. ft. to 25,000 sq. ft.	65%
> 25,000 sq. ft. to 43,560 sq. ft.	50%
> 43,560 sq. ft. to 5 acres	25%
>5 acres	15%

~~(dc) Side Yards for Townhouses and Twins~~

→ (2) If the direction of the Planning Commission is to simplify the Residential Maximum Impervious Surface Requirements to a single maximum percentage of impervious coverage permitted on a lot (as is required with a non-residential Use), staff recommends that Section 350-44(c) be amended as follows:

(c) Impervious Lot Coverage for a Residential Use. *The Maximum Impervious Lot Coverage of a Residential Use is 75%.*

→ (3) If the direction of the Planning Commission is to “smooth” the Residential Maximum Impervious Surface Requirements based on the existing percentages (which will generally increase the Maximum Lot Coverage as lot sizes increase, staff recommends that Section 350-44(c) be amended as follows:

(c) Impervious Lot Coverage for a Residential Use is as follows:

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100% 90%
>5,000 sq. ft. to 10,000 sq. ft.	75% <i>of the lot area between 5,000 sq ft and 10,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 5,000 sq ft from the area of the lot, multiply the remainder by 0.75, and then add 5,000 sq ft.</i>
>10,000 sq. ft. to 25,000 sq. ft.	65% <i>of the lot area between 10,000 sq ft and 25,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 10,000 sq ft from the area of the lot, multiply the remainder by 0.65, and then add 8,750 sq ft.</i>
> 25,000 sq. ft. to 43,560 sq. ft.	50% <i>of the lot area between 25,000 sq ft and 43,560 sq ft. To determine the Maximum Impervious Lot Coverage:</i>

	<i>Subtract 25,000 sq ft from the area of the lot, multiply the remainder by 0.50, and then add 18,500 sq ft.</i>
> 43,560 sq. ft. to 5 acres	<i>25% of the lot area between 43,560 sq ft and 217,800 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 43,560 sq ft from the area of the lot, multiply the remainder by 0.25, and then add 27,780 sq ft.</i>
> 5 acres	<i>15% of the lot area over 217,800 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 217,800 sq ft from the area of the lot, multiply the remainder by 0.15, and then add 71,340 sq ft.</i>

→ (4) If the direction of the Planning Commission is to “smooth” the Residential Maximum Impervious Surface Requirements and closely approximate the general results of the existing Section, staff recommends that Section 350-44(c) be amended as follows:

(c) Impervious Lot Coverage for a Residential Use is as follows:

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100% 90%
>5,000 sq. ft. to 10,000 sq. ft.	<i>50% of the lot area between 5,000 sq ft and 10,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 5,000 sq ft from the area of the lot, multiply the remainder by 0.5, and then add 5,000 sq ft.</i>
>10,000 sq. ft. to 25,000 sq. ft.	<i>50% of the lot area between 10,000 sq ft and 25,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 10,000 sq ft from the area of the lot, multiply the remainder by 0.5, and then add 7,500 sq ft.</i>
> 25,000 sq. ft. to 43,560 sq. ft.	<i>45% of the lot area between 25,000 sq ft and 43,560 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 25,000 sq ft from the area of the lot, multiply the remainder by 0.45, and then add 15,000 sq ft.</i>
> 43,560 sq. ft. to 5 acres	<i>20% of the lot area between 43,560 sq ft and 217,800 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 43,560 sq ft from the area of the lot, multiply the remainder by 0.2, and then add 21,496 sq ft.</i>
> 5 acres	<i>10% of the lot area over 217,800 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 217,800 sq ft from the area of the lot, multiply the remainder by 0.1, and then add 56,344 sq ft.</i>

→ (5) If the direction of the Planning Commission is to “smooth” the Residential Maximum Impervious Surface Requirements and account for a gradual reduction of the percentage of allowable impervious surface versus the current outcomes, staff recommends that Section 350-44(c) be amended as follows:

(c) Impervious Lot Coverage for a Residential Use is as follows:

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100% 90%
>5,000 sq. ft. to 10,000 sq. ft.	<i>50% of the lot area between 5,000 sq ft and 10,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 5,000 sq ft from the area of the lot, multiply the remainder by 0.5, and then add 5,000 sq ft.</i>
>10,000 sq. ft. to 25,000 sq. ft.	<i>35% of the lot area between 10,000 sq ft and 25,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 10,000 sq ft from the area of the lot, multiply the remainder by 0.35, and then add 7,500 sq ft.</i>
> 25,000 sq. ft. to 43,560 sq. ft.	<i>25% of the lot area between 25,000 sq ft and 43,560 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 25,000 sq ft from the area of the lot, multiply the remainder by 0.25, and then add 12,750 sq ft.</i>
> 43,560 sq. ft. to 5 acres	<i>15% of the lot area over 43,560 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 43,560 sq ft from the area of the lot, multiply the remainder by 0.15, and then add 17,390 sq ft.</i>
> 5 acres	<i>10% of the lot area over 217,800 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 217,800 sq ft from the area of the lot, multiply the remainder by 0.1, and then add 43,526 sq ft.</i>

→ ADDITIONAL OPTION: If the direction of the Planning Commission is permit residential uses to exceed the above-stipulated Maximum Lot Coverage as a Special Exception, staff recommends that Section 350-44(c) be amended by adding subsection (1) as follows:

(1) Lots containing a Residential Use that exceed the Maximum Lot Coverage requirements above shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-16(i):

(A) That the applicant provides evidence that adjoining properties are adequately protected from the impacts of the development including, but not limited to, light, noise, and stormwater runoff.

During the initial review by the Planning Commission, staff presented the “Bigger Picture” with regard to impervious surface. Currently the Zoning Ordinance regulates the maximum amount of impervious surface permitted on a property. Non-residential properties are permitted up to 75% impervious surface. Residential properties are currently permitted impervious surface on the sliding scale described above. PA DEP, through LCCD, regulates newly constructed impervious surface, with regulations starting at 10,000 square feet of new impervious surface (E&SC Plan requirements) and really kicking in at 43,560 square feet (NPDES permit requirements). Township SALDO and Stormwater Management Ordinances provide additional requirements as well. Currently, Township Zoning Ordinance requirements are fairly disconnected from the other afore-mentioned regulations, but staff is considering integrating them into a more holistic approach to stormwater management. Staff is considering tying a SALDO requirement for developers to size a development’s stormwater management system to the maximum impervious surface requirement in the Zoning Ordinance. Currently there is no regulation regarding the size of a development’s stormwater management system. A developer may size the system to meet the stormwater needs of only the roads and sidewalks, leaving the individual lot owners to design and get regulatory approval for the impervious surface (driveway, house, etc.) that they want on their lots (all of which has to be managed on said lot). The Township has a few developments where varying degrees of this situation are already occurring. Also, at this time, individual lot owners are responsible for keeping stormwater BMPs (Best Management Practices) in place and functioning, as well as submitting engineered reports verifying compliance to the Township on a regular basis. (Please note that the Township is required to collect and track all of these BMP reports by the Commonwealth of Pennsylvania under penalty of the law.) Most homeowners are unaware of this responsibility and are not welcoming of it. Staff opines that stormwater management systems should become the responsibility of Homeowners’ Associations, which have the resources and the ability to acquire the expertise to manage these responsibilities. Should future developments have stormwater management systems that are properly sized for the development – accounting for the impervious surface of the roads, sidewalks, community amenities and the domestic dreams of at least 90% of the development’s occupants – there would be more community-managed BMPs and significantly fewer individually-managed BMPs, HOAs would be better able to manage the BMP reporting to the Township, the Township would have significantly fewer reports to chase down, and 90% of the homeowners would be free from the reporting requirements that they currently neither understand nor want. All of that being said, the first step in moving forward with this concept is to put into place reasonable maximum impervious surface limits within the Zoning Ordinance – limits that account for the impervious surface needs of 90 to 95 percent of homeowners – and a mechanism for those homeowners who want more impervious surface to achieve their dreams while limiting the potential adverse impacts on neighboring property owners. The following Option 6 is staff’s proposal to meet those requirements.

→ (6) Staff recommends that Section 350-44(c) be amended as follows:

(c) Impervious Lot Coverage for a Residential Use is as follows:

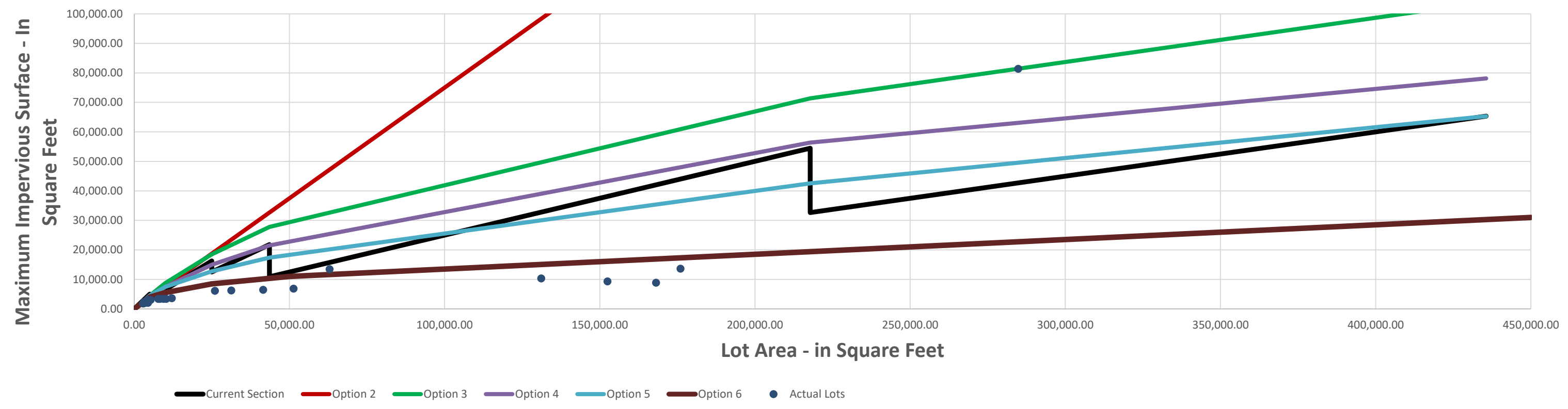
Lot Area	Maximum Percentage of Lot Coverage
0 sq. ft. to 5,000 sq. ft.	100% 80%
>5,000 sq. ft. to 10,000 sq. ft.	30% of the lot area between 5,000 sq ft and 10,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 5,000 sq ft from the area of the lot, multiply the remainder by 0.3, and then add 4,000 sq ft.
>10,000 sq. ft. to 25,000 sq. ft.	20% of the lot area between 10,000 sq ft and 25,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 10,000 sq ft from the area of the lot, multiply the remainder by 0.2, and then add 5,500 sq ft.
> 25,000 sq. ft. to 50,000 sq ft.	10% of the lot area between 25,000 sq ft and 50,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 25,000 sq ft from the area of the lot, multiply the remainder by 0.1, and then add 8,500 sq ft.
> 50,000 sq. ft.	5% of the lot area over 50,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 50,000 sq ft from the area of the lot, multiply the remainder by 0.05, and then add 11,000 sq ft.

→ (6) Staff recommends that Section 350-44(c) be amended by adding subsection (1) as follows:

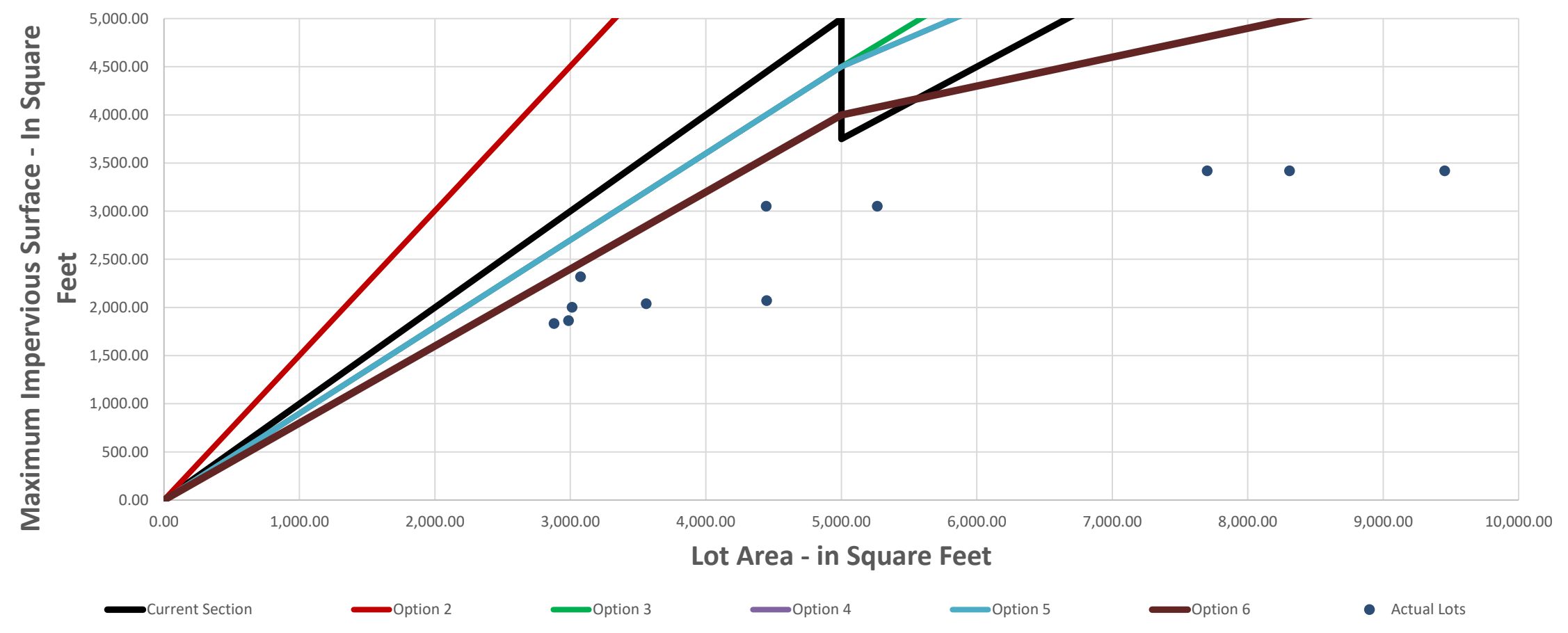
(1) Lots containing a Residential Use that exceed the Maximum Lot Coverage requirements above shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-16(i):

(A) That the applicant provides evidence that adjoining properties are adequately protected from the impacts of the additional impervious surface and associated development including, but not limited to, light, noise, and stormwater runoff.

Impervious Surface Amendment - Under 10 Acres



Impervious Surface Amendment - Under 1/4 Acre



- 5. Amend Section 350-45(d) REDUCED FRONT YARD SETBACKS to Reinforce the Inclusion of Parking Setbacks:** This Section was originally intended to provide incentives to commercial property owners to provide more pedestrian safety amenities and landscaping in the Township's more auto-centric commercial areas. The Section, as written, appears to only apply to building setbacks. However, existing Section 350-48(o)(2)(E)(iv)(g) clearly states that parking setbacks are also eligible for the reduction. Staff opines that the Section be amended to clarify that both building and parking setbacks are eligible for the reduction.

→Staff recommends that Section 350-45(d) be amended as follows:

(d) Reduced Front Yard Setbacks. The front yard *building setbacks and parking setbacks (as specified in Section 350-48(o)(2)(E)(iv))* for the indicated Primary Uses, Special Exception Uses and Conditional Uses within the Highway Commercial, General Commercial, Highway Commercial-1 (Special Height Exception) and General Commercial-1 (Special Height Exception), Industrial Commercial-1 (Special Height Limitation) and Industrial zoning districts may be reduced from the required fifty (50) *or twenty-five (25)* feet under the following conditions. In the case of a Coordinated Development, the following conditions shall be met by all Primary Use buildings fronting a given public street right-of-way in order to be eligible for the reduced front yard setback. *In no case shall the parking setback be reduced below five (5) feet from the Ultimate Right-of-Way line.*

→Staff also recommends an additional parking-related option be added to subsection (1):

(C) A brick or masonry knee wall of between 18 and 30 inches in height and between 8 and 12 inches in depth is constructed between the parking area and fronting street, to be located along the edge of parking area. If the knee wall is 30 inches in height, it may substitute for a buffer for plantings required under Section 350-48(o)(2)(E)(v)(c).

6. Amend Section 350-48(a)(5) AGRICULTURAL, HORTICULTURAL, NURSERY, EXCLUDING RAISING AND KEEPING OF FARM ANIMALS and 350-48(a)(6) AGRICULTURAL, HORTICULTURAL, NURSERY, INCLUDING RAISING AND KEEPING OF FARM ANIMALS to Define the Uses, add Additional Regulations regarding setbacks, and Amending Section 350-24(c) To Remove Area and Frontage Requirements for Agricultural Uses:

Staff has been challenged with issues regarding personal use gardening. The Zoning Ordinance does not address the issue, but there are two undefined uses that may be applied. Staff opines that, for the keeping of animals, additional regulations regarding setbacks similar to those regarding the keeping of Horses as Pets be added under subsection (E) Additional Regulations to ensure that odor conflicts with adjoining neighbors be minimized. Staff opined the, for clarity, these also be added to Section 350-48(f)(2) Farm Outbuildings. Staff also opines that defining the two afore-mentioned uses as “for-profit” uses and creating a general Section with regard to vegetation on private property may be a solution to the issue.

The existing Section 350-48(a)(5)(A) AGRICULTURAL, HORTICULTURAL, NURSERY, EXCLUDING RAISING AND KEEPING OF FARM ANIMALS:

(A) Definition: None.

The existing Section 350-48(a)(6)(A) AGRICULTURAL, HORTICULTURAL, NURSERY, INCLUDING RAISING AND KEEPING OF FARM ANIMALS:

(A) Definition: None.

→Staff recommends that Section 350-48(a)(5)(A) AGRICULTURAL, HORTICULTURAL, NURSERY, EXCLUDING RAISING AND KEEPING OF FARM ANIMALS be amended as follows:

(A) Definition: A Use, the primary function of which is the cultivation of the soil for the production of crops for market. This includes all primary and ancillary functions traditionally associated with farming, agriculture, horticulture, nurseries and the like (including residential uses for individuals and their family members owning, leasing, or otherwise legally controlling the property and farming said property).

→Staff recommends that Section 350-48(a)(6)(A) AGRICULTURAL, HORTICULTURAL, NURSERY, INCLUDING RAISING AND KEEPING OF FARM ANIMALS be amended as follows:

(A) Definition: A Use, the primary function of which is the cultivation of the soil for the production of crops and/or the raising of livestock and similar animals for market. This includes all primary and ancillary functions traditionally associated with farming, agriculture, horticulture, nurseries and the like (including residential uses for individuals and their family members owning, leasing, or otherwise legally controlling the property and farming said property).

→Staff recommends that Section 350-48(a)(6)(E) ADDITIONAL REGULATIONS be amended as follows:

(E) Additional Regulations: ~~None~~

(i) All buildings or structures housing farm animals, storing feed or other materials used in the care or maintenance of farm animals shall be set back a minimum of fifty (50) feet from all property lines and one hundred (100) feet from a Dwelling on an adjoining Lot.

(ii) Any building, structure or area used for the storage of animal wastes shall be set back a minimum of one hundred (100) feet from a property line, wetland or waterway and two hundred (200) feet from a Dwelling on an adjoining Lot.

→Staff recommends that Section 350-48(f)(2)(E) FARM OUTBUILDING ADDITIONAL REGULATIONS be amended as follows:

(E) Additional Regulations:

(i) No part of any Farm Outbuildings shall be used for the slaughtering and/or processing of poultry or livestock for commercial purposes.

(ii) All buildings or structures housing farm animals, storing feed or other materials used in the care or maintenance of farm animals shall be set back a minimum of fifty (50) feet from all property lines and one hundred (100) feet from a Dwelling on an adjoining Lot.

(iii) Any building, structure or area used for the storage of animal wastes shall be set back a minimum of one hundred (100) feet from a property line, wetland or waterway and two hundred (200) feet from a Dwelling on an adjoining Lot.

Staff opined that, with more agricultural pursuits focusing on the production of specialized and artisanal products, the lot area and frontage requirements for Agricultural Uses may be outdated. Staff opined that their removal may be more beneficial and would not result in significant issues within the Zoning Districts in which they are permitted by right as Primary Uses. Where they are permitted as Special Exception Uses, the Zoning Hearing Board would have the ability to review each application within its particular context and assign additional conditions upon it to deal with neighborhood concerns.

The existing Section 350-24(c) AGRICULTURE, HORTICULTURE, NURSERY, EXCLUDING RAISING AND KEEPING OF FARM ANIMALS Zoning District Schedule entries as Primary Uses in the RR-3, RR-2, RR, IC-1 and I Zoning Districts and as Special Exception Uses within the R-2, R-3, R-4, R-5, R-10, NC, GC, GC-1, HC, and HC-1 Zoning Districts

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Agriculture, Horticulture, Nursery, Excluding Raising and Keeping of Farm Animals		5 acres	300	25	15	15		

→Staff recommends that Section 350-24(c)(1) RR-3 Rural Residential-3, 350-24(c)(2) RR-2 Rural Residential-2, 350-24(c)(3) RR Rural Residential, 350-24(c)(16) IC-1 Industrial-Commercial-1, 350-24(c)(17) I Industrial Primary Use Zoning District Schedules, and Section 350-24(c)(4) R-2 Low Density Residential, 350-24(c)(5) R-3 Low Density Residential, 350-24(c)(6) R-4 Medium Density Residential, 350-24(c)(7) R-5 Medium Density Residential, 350-24(c)(8) R-10 High Density Residential, 350-24(c)(9) NC Neighborhood Commercial, 350-24(c)(11) GC General Commercial, 350-24(c)(12) GC-1 General Commercial-1, 350-24(c)(13) HC Highway Commercial, 350-24(c)(14) HC-1 Highway Commercial-1 Special Exception Use Zoning District Schedules be amended as follows:

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Agriculture, Horticulture, Nursery, Excluding Raising and Keeping of Farm Animals		5 acres	300	25	15	15		

The existing Section 350-24(c) AGRICULTURE, HORTICULTURE, NURSERY, INCLUDING RAISING AND KEEPING OF FARM ANIMALS Zoning District Schedule entries as Primary Uses in the RR-3, RR-2, RR, and I Zoning Districts

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Agricultural, Horticultural, Nursery, Including Raising and Keeping of Farm Animals		5 acres	300	25	15	15		

→Staff recommends that Sections 350-24(c)(1) RR-3 Rural Residential-3, 350-24(c)(2) RR-2 Rural Residential-2, 350-24(c)(3) RR Rural Residential, 350-24(c)(17) I Industrial Primary Use Zoning District Schedules be amended as follows:

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Agricultural, Horticultural, Nursery, Including Raising and Keeping of Farm Animals		5 acres	300	25	15	15		

→To address vegetation on private property, staff recommends that the following Section (v) be added to Section 350-42:

(v) Vegetation, Landscaping, Gardening.

(1) All vegetation on private property not grown, harvested or used for commercial purposes, including landscaping, private gardening, etc., unless otherwise regulated within this Ordinance, shall be permitted by right with no setbacks. The afore-mention subsection notwithstanding, vegetation may be subject to additional regulation by the Township or any other applicable agency.

→Staff recommends that the existing Section 350-42(v) WATER AND SEWER SERVICES be amended as follows:

(vw) Water and Sewer Services.

7. Amend Section 350-48(b)(6) BOARDING HOUSE To Clarify The

Use: The Use BOARDING HOUSE was updated in 2014 to include regulations related to the burgeoning Air B’n B industry. Staff noticed that, while the Use is permitted as a Special Exception in both Commercial and Residential Zoning Districts, its Use Classification is designated as both Commercial and Residential. Staff opines that a BOARDING HOUSE located in a Commercial district should be considered as a Commercial Use Classification. Staff opined that, for clarity, the term “Air B’n B” should be included in the Use Schedule. Staff also opined that the DEFINITION and the ADDITIONAL REGULATIONS be amended to separate the two Classifications and their additional regulations for clarity

→Staff recommends that the existing Section 350-48(b)(6)(A) DEFINITION be amended as follows:

(A) Definition: A **Commercial** Use that is operated by a permanent resident of the property and provides lodging to a maximum of ten (10) guests (*in commercial districts*) for compensation, with or without food. **A Residential Use that is operated by a permanent resident of the property and provides lodging to a maximum of two (2) guests (in residential districts) for compensation, with or without food.** For purposes of this Ordinance, this definition does not include a Bed and Breakfast, community shelter, or Group Home. **This Use does include “Air B’n Bs” and similar services.**

→Staff also recommends that the existing Section 350-48(b)(6)(C) USE CLASSIFICATION be amended as follows:

(B) Use Classification: **Commercial**, Residential

→Staff also recommends that the existing Section 350-48(b)(6)(E) ADDITIONAL REGULATIONS be amended as follows:

(E) Additional Regulations: Where so noted in subsection (C) above, a Boarding House shall be permitted **in commercial Zoning Districts** by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d). ~~If the Boarding House establishment is located within a Residential Zoning District, the Boarding House shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d)~~ **Where so noted in subsection (C) above, a Boarding House shall be permitted in residential Zoning Districts by Special Exception subject to the minimum standards and criteria set forth in Section 350-16(i), in addition to the following minimum standards and criteria:**

8. Amend Section 350-48(d)(8)(D) DWELLING UNIT, TOWNHOUSE

Minimum Off-Street Parking Calculations: Staff noted that the new accessory parking lots for townhouse developments do not allow for enough parking, given the standard depth of townhouse lots. Staff opines that, in order to encourage the creation of these “overflow” lots, full utilization of the land that would be earmarked for such lots should be permitted.

The existing Section 350-48(d)(8)(D) Minimum Off-Street Parking Calculations:

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit. Townhouses shall provide an additional 0.25 spaces per unit for overflow parking. Such parking shall be within 300 feet of the residential units for which they are providing the overflow spaces. If provided as the primary use on a separate parcel to serve a townhouse development:

(i) the off-street parking lot shall contain no fewer than six (6) and no more than twelve (12) parking spaces;

(ii) the underlying parcel shall be owned and maintained by a Home Owners’ Association;

(iii) the off-street parking lot shall meet the requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2), as applicable.

→Staff recommends that Section 350-48(d)(8)(D) Minimum Off-Street Parking Calculations be amended as follows:

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit. Townhouses shall provide an additional 0.25 spaces per unit for overflow parking. Such parking shall be within 300 feet of the residential units for which they are providing the overflow spaces. If provided as the primary use on a separate parcel to serve a townhouse development:

(i) the off-street parking lot shall contain no fewer than six (6) and no more than ~~twelve (12)~~ **eighteen (18)** parking spaces;

(ii) the underlying parcel shall be owned and maintained by a Home Owners’ Association;

(iii) the off-street parking lot shall meet the requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2), as applicable.

9. Amend Section 350-48(m)(7) MOTOR VEHICLE REPAIR FACILITY to Correct and Inconsistency with Section 350-48(m)(9) Motor Vehicle Service Facility:

Staff noticed that Motor Vehicle Service Facilities have regulations related to the dispensing of fuel to the general public. While staff is unaware of a Motor Vehicle Repair Facility within the Township that does dispense fuel to the general public, that one can could create an inconsistency with regard to the separation distances between the Motor Vehicle Repair Facility and one or more Motor Vehicle Service Facilities. Staff opines that one of two options to handle this possible problem:

1. Update the Motor Vehicle Repair Facility’s regulations to be consistent with those of the Motor Vehicle Service Facility, or
2. Remove the “dispensing of fuel to the general public” regulations from the Motor Vehicle Repair Facility.

The existing Section 350-48(m)(7)(E)(v) MOTOR VEHICLE REPAIR FACILITY ADDITIONAL REGULATIONS:

(v) No Motor Vehicle Repair Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public shall be located within five hundred (500) feet of any elementary or secondary school, library, Hospital or within fifteen hundred (1,500) feet of any other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Said distance shall be measured in a straight line between the closest Lot Lines of the proposed Use and the Public Use or other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public.

The existing Section 350-48(m)(9)(E)(vi) MOTOR VEHICLE SERVICE FACILITY ADDITIONAL REGULATIONS:

(vi) No Motor Vehicle Service Facility shall be located within five hundred (500) feet of any elementary or secondary school, library, Hospital (collectively, “Public Use”). No Motor Vehicle Service Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public shall be located within fifteen hundred feet (1,500’) of another Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Said distance shall be measured on a straight line between the closest Lot Lines of the proposed use and, as applicable, the Public Use or other Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Exception: One Motor Vehicle Service Facility may be located within 1,500 feet of no more than one other ~~such~~ Facility under the following conditions:

- (a) that the two such Facilities are separated by a public road, and;
- (b) when located at the intersection of two public roads, are separated by the public road of the higher street classification.

→Staff recommends that 350-48(m)(7)(E)(v) MOTOR VEHICLE REPAIR FACILITY ADDITIONAL deleted in its entirety and replaced with the following:

(v) No Motor Vehicle Service Facility shall be located within five hundred (500) feet of any elementary or secondary school, library, Hospital (collectively, “Public Use”). No Motor Vehicle Service Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the

general public shall be located within fifteen hundred feet (1,500') of another Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Said distance shall be measured on a straight line between the closest Lot Lines of the proposed use and, as applicable, the Public Use or other Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Exception: One Motor Vehicle Service Facility may be located within 1,500 feet of no more than one other such Facility under the following conditions:

- (a) that the two such Facilities are separated by a public road, and;*
- (b) when located at the intersection of two public roads, are separated by the public road of the higher street classification.*

Alternately, if it is the preference of the Planning Commission, the “dispensing of fuel to the general public” could be removed from Section 350-48(m)(7)(E)(v) MOTOR VEHICLE REPAIR FACILITY.

→Staff recommends that 350-48(m)(7)(A) MOTOR VEHICLE REPAIR FACILITY DEFINITION be amended as follows:

(A) Definition: A commercial use engaging primarily in the repair of motor vehicles, including, but not limited to, automobiles, motorcycles, all-terrain vehicles, trucks, recreational vehicles, motor homes, and motorized boats and watercraft. A Motor Vehicle Repair Facility engages primarily in the major repair or replacement of motor vehicle components, including, but not limited to, engine, drive train, exhaust, and frame, as well as body work and painting. Motor Vehicle Repair Facilities may secondarily include services associated with the use of the vehicles being repaired, including **Motor Vehicle Service, cleaning, the sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; or performance of minor automotive maintenance and repairs, supply of other customer service and products relating to the operation and maintenance of vehicles,** and Retail Sales of accessory products.

→Staff recommends that 350-48(m)(7)(E) MOTOR VEHICLE REPAIR FACILITY ADDITIONAL REGULATIONS be amended as follows:

~~(i) Fuel dispensing equipment shall be located no closer than twenty-five (25) feet to the Ultimate Right-of-Way Line or an adjoining property.~~

~~(ii) Overhead canopies providing protection for the Fuel dispensing equipment and motorists shall be located no closer than ten (10) feet to the Ultimate Right-of-Way Line or an adjoining property.~~

(iii) The entire area of the site for the travel or parking of motor vehicles shall be paved.

(ivii) Repair of motor vehicles shall be performed in a fully enclosed Building. No motor vehicle parts shall be stored outdoors.

~~(v) No Motor Vehicle Repair Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public shall be located within five hundred (500) feet of any elementary or secondary school, library, Hospital or within fifteen hundred (1,500) feet of any other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Said distance shall be measured in a straight line between the closest Lot Lines of the proposed Use and the Public Use or other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public.~~

(~~viii~~) Rental or sale of any kind of vehicle is prohibited.

(~~viii~~**v**) No vehicles shall be permitted to be standing or parked on the premises for more than fifteen (15) days other than those used by the employees in direct or indirect operation of the establishment and vehicles for rental, sale or being repaired when permitted by other sections of this Ordinance. Any outdoor storage area shall be wholly screened from the Street and from adjoining Lots in accordance with Section 350-42(b).

10. Amend Section 350-48(n)(3) NURSING HOME to Add Off-Street

Parking Requirements: Staff noticed that Nursing Home does not have an Off-Street Parking calculation – only the Loading Zone requirements are listed. Staff opined that the Off-Street Parking requirements for long-term care in a Hospital may be the most appropriate for a Nursing Home Use.

→Staff recommends that Section 350-g)(5)(A) DEFINITION be amended as follows:

(D) Minimum Off-Street Parking Calculations: ***1.0 space for each three (3) beds plus 1.0 for each employee on the largest work shift*** PLUS 1 Large Off-Street Loading Zone if the use area is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use area is greater than 50,000 square feet.

→Staff recommends that Section 350-48(r)(3) RECREATION FACILITY WHERE PERMITTED be amended as follows:

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary															X		
Accessory															X		
Special Exception	X	X	X	X	X	X	X	X	X		X	X	X	X			X
Conditional Use																	

12. Amend Section 350-48(s)(7) SERVICE BUSINESS to Modify the Off-

Street Parking Requirements: Staff noticed that, while Service Businesses are defined as a business that provides services for customers primarily off-site, the off-street parking requirements are similar to Retail Sales, in which the customers visit onsite. Potential Service Businesses have pointed out this discrepancy and staff opines that the off-street parking requirements should be changed to reflect a more reasonable parking requirement for the Use.

The existing Section 350-48(s)(7)(D) SERVICE BUSINESS MINIMUM OFF-STREET PARKING CALCULATIONS:

(D) Minimum Off-Street Parking Calculations: 1.0 space per 200 square feet of total floor area

For comparison, existing Section 350-48(r)(9) RETAIL SALES MINIMUM OFF-STREET PARKING CALCULATIONS:

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred (200) square feet of total Floor Area; PLUS 1 Large Off-Street Loading Zone if the use is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use is greater than 50,000 square feet, 1.0 space for every two hundred (200) square feet of exterior display area open to the public.

→Staff recommends that 350-48(s)(7)(D) SERVICE BUSINESS MINIMUM OFF-STREET PARKING CALCULATIONS be amended as follows:

(D) Minimum Off-Street Parking Calculations: 1.0 space per 200 square feet of ~~total floor area~~ ***office area and customer-accessible area, PLUS 1.0 spaces for each mobile (non-office) employee on the largest shift.***

13. Amend Section 350-48(s)(10) SIGNS to Clarify the Regulations

Regarding Pylon Signs: Staff has interpreted the regulations regarding pylon signs for Coordinated Developments as permitting one pylon sign for each separate road frontage along the subject property. Staff opined that the regulations be clarified to reflect the long-standing policy.

The existing Section 350-48(s)(10)(E)(xi) ADDITIONAL ON-PREMISES SIGNS FOR COORDINATED DEVELOPMENTS THAT ARE SHOPPING CENTERS:

(a) Coordinated Development Pylon Signs. Coordinated Developments shall be permitted one Pylon Sign provided the following restrictions are met:

→Staff recommends that Section 350-48(s)(10)(E)(xi) ADDITIONAL ON-PREMISES SIGNS FOR COORDINATED DEVELOPMENTS THAT ARE SHOPPING CENTERS be amended as follows:

(a) Coordinated Development Pylon Signs. Coordinated Developments shall be permitted one Pylon Sign *for each separate road frontage onto which the Coordinated Development maintains a driveway*, provided the following restrictions are met:

The existing Section 350-48(s)(10)(E) (xii) ADDITIONAL ON-PREMISES SIGNS FOR COORDINATED DEVELOPMENTS OTHER THAN SHOPPING CENTERS:

(a) Coordinated Development Pylon Signs. Coordinated Developments shall be permitted one Pylon Sign provided the following restrictions are met:

→Staff recommends that Section 350-48(s)(10)(E)(xii) ADDITIONAL ON-PREMISES SIGNS FOR COORDINATED DEVELOPMENTS OTHER THAN SHOPPING CENTERS be amended as follows:

(a) Coordinated Development Pylon Signs. Coordinated Developments shall be permitted one Pylon Sign *for each separate road frontage onto which the Coordinated Development maintains a driveway*, provided the following restrictions are met:

14. Amend Section 350-48(s)(18) STORMWATER MANAGEMENT FACILITIES to Clarify Lot Requirements and Add Definition:

Staff noted that there are no requirements that detention basins be located entirely within the boundaries of a single property. Permitting basins to span property lines adds unnecessary complexity to maintenance responsibilities and legal liability that, staff opines, would not be outweighed by the benefits. Staff also opined that developing a definition for the Use would also be appropriate.

The existing Section 350-48(s)(18) Stormwater Management Facilities:

350-48(s)(18) Stormwater Management Facilities

- (A) Definition: None.
- (B) Use Classification: Non-Residential
- (C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

- (D) Minimum Off-Street Parking Calculations: Not Applicable
- (E) Additional Regulations: None.

→Staff recommends that Section 350-48(s)(18) STORMWATER MANAGEMENT FACILITIES be amended as follows:

350-48(s)(18) Stormwater Management Facilities

- (A) Definition: ~~None.~~ *A Use, the primary function of which is the management of stormwater.*
- (B) Use Classification: Non-Residential, *Residential*
- (E) Additional Regulations: ~~None.~~
 - (i) *A Facility on a parcel with a Primary Use may be considered an Accessory Use for said parcel.*
 - (ii) *A Facility on a parcel otherwise without a Primary Use may be considered the Primary Use for said parcel.*

15. Amend Section 350-46(b)(1) TEMPORARY USES REQUIRING ZONING HEARING BOARD APPROVAL to Amend the Amount of Time Permitted for a Temporary Use with Zoning Hearing Board Approval:

Approval: Staff noted that Temporary Uses that are required to gain Zoning Hearing Board approval are permitted for no more than seven (7) days. Staff opines that, for a number of Temporary Uses, seven days is insufficient. Staff opines that the Zoning hearing Board should be given more latitude when permitting Temporary Uses, particularly given that the Zoning Hearing Board is receiving testimony and cross-examining the applicants, interested parties and objectors to produce a decision that can include conditions to address their concerns. Staff opines that a maximum of 180 days would be more appropriate, as the time-frame matches that of Temporary Uses within the Building Code.

The existing Section 350-46(b)(1) Duration:

(2) Duration. The duration of the proposed Temporary Use shall be established by specific dates as will, in the judgment of the Zoning Hearing Board, serve the intended purpose. However, the duration of such Temporary Use shall not exceed one (1) week consisting of seven (7) consecutive days.

→Staff recommends that Sections 350-46(b)(1) Duration be amended as follows:

(2) Duration. The duration of the proposed Temporary Use shall be established by specific dates as will, in the judgment of the Zoning Hearing Board, serve the intended purpose. However, the duration of such Temporary Use shall not exceed ~~one (1) week consisting of seven (7)~~ **one hundred and eighty (180)** consecutive days.