

PROPOSED ZONING ORDINANCE AMENDMENTS TO DATE ZONING ORDINANCE SERVICE PACK 2C November 14, 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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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)
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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.)
5-1a: 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
5-1a: Broadway-Nonresidential Uses	5,000	60	10	10	30
5-1b: Greenawalds-Residential Uses	Single detached Dwelling: 7,800 Twin: 3,900	65 32	15-20	6	30
5-1b: Greenawalds-Non-Residential Uses	10,000	80	15-20	10	30
5-1c: 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
5-1c: 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)
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→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(e)~~ **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) MESSAGE SERVICE ESTABLISHMENT

and renumber the appropriate Sections: Staff noted that MESSAGE 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) MESSAGE 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**
- (3) not less than five (5) feet tall and not more than**

such as cedar, cypress or redwood.

twelve (12) inches above grade.

(b) Evergreen plantings:

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

three (3) feet of the fence.

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**
- (2) stabilized with grass or similar ground cover**

grade.

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

- (1) maintained on the outward-facing (toward**
- (2) spaced no more than four (4) feet apart on center.**
- (3) a minimum height of three (3) feet above adjacent**

adjoining property) slope.

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**
- (c) not less than five (5) feet tall and not more than four (4)**

cedar, cypress or redwood.

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:

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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.

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 and 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:

(~~v~~w) 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.*

(iii) A discrete facility, such as, but not limited to, a rain garden or infiltration pit, an infiltration bed, a detention or retention pond, swale, or a geographical area of amended soil, or a system serving a single property, shall be located on a single property.

(iv) A stormwater transmission system facility that serves multiple properties, such as, but not limited to, piping between discrete facilities or a spray irrigation system with spray heads on multiple properties, may be located on multiple properties so long as the system is owned and maintained by a single entity and appropriate easements are in place to allow said entity to maintain every portion of the system that is not on property owned or controlled by said entity.

→Staff recommends that Sections 350-24(c)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17) Zoning District Schedules be amended to add the following at the alphabetically-appropriate location in the ACCESSORY USES, Non-Residential and ACCESSORY USES, Residential tables:

<i>Stormwater Management Facilities</i>									35
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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.