

**PENN TOWNSHIP
ZONING ORDINANCE
AMENDMENTS OF NOVEMBER 2013
2013-007**

An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; the location and size of signs; creating zoning districts and establishing the boundaries hereof; creating the office of Zoning Officer; creating a Zoning Hearing Board; and providing for the administration amendment, and enforcement of the Ordinance, including the imposition of penalties.

ORDINANCE CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Penn, County of Cumberland, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and as adopted in 2006 and revised in 2008 and 2010 these amendments are as follows:

The following Zoning Regulations apply only to those Agricultural Zones with the access to public water and sewer.

Section 1238. Hotels and Motels

- A. Use of recreational facilities shall be limited to guests of the hotel or motel. If the recreational facilities are proposed to be open to persons other than guests of the establishment, the recreational facility shall meet all requirements of this Ordinance as if it were a separate principal use of the property.
- B. If a restaurant is proposed, the restaurant shall meet all requirements of this Ordinance as if the restaurant were a separate principal use.
- C. The applicant shall provide a statement setting forth the full particulars of the operation, including all recreational facilities and amenities to be provided for guests.

Section 1208. Bed and Breakfast Establishments

- A. Such an establishment shall be located in a private residence.
- B. No external modifications, which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
- C. All floors above ground level shall have an emergency escape access to ground level.

- D. One off-street parking space shall be provided for each proposed bedroom in addition to the required spaces for the existing dwelling.
- E. A bed and breakfast shall not include more than five (5) rooms for rent; and meals, if offered, shall be available only for registered overnight guests.
- F. All served meals shall be included in the lodging fee. No meals may be served to the general public.
- G. All appropriate State licenses shall be obtained.
- H. Vegetative screening shall be located around the perimeter of the parking area to preserve the residential appearance of the property.
- I. A smoke alarm shall be placed in each rented area.
- J. The owner of the bed and breakfast establishment shall reside on the premises.
- K. No building in which a bed and breakfast establishment is operated shall be closer than eight hundred (800) feet to a building in which another is operated.
- L. If on-lot sewer services are provided, DEP and/or the Sewage Enforcement Officer shall approve of the method of sewage disposal.
- M. No accessory buildings shall be used to provide rooms for overnight guests.
- N. Only one (1) building per property shall be used for overnight guests.

Section 1207. Banks and Similar Financial Institutions

- A. All drive-thru window lanes shall be separated from the parking lot's interior access drives.
- B. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
- C. Stacking lanes of at least one hundred (100) feet shall be provided associated with drive-thru windows, to prevent vehicle stacking on adjoining roads.
- D. Any exterior microphone/speaker system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties and not be activated before 9:00 a.m. or after 8:00 p.m.

Section 1226. Drive-through and Fast Food Restaurants

- A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.
- B. The application shall be accompanied by a working plan for the cleanup and disposal of litter and prevention of loitering on the subject project property.
- C. Drive-through lanes shall be separated from the internal circulation system for the parking facilities; and shall provide stacking space for six (6) or more waiting cars.
- D. The applicant shall demonstrate that any external – internal microphone system shall not operate in a manner, which causes an objectionable noise impact to abutting properties.

- E. Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence.
- F. No part of any structure on the subject property shall be located within two hundred (200) feet of an existing residential structure.
- G. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties.

Section 1258. Restaurants, Taverns, and Eating Establishments

- A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- B. Adequate off-street parking spaces shall be provided.
- C. The applicant shall provide a working plan, which demonstrates that the proposed land use will not create excessive light, noise, litter and loitering with respect to abutting properties.
- D. The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light or loitering outside the building.
- E. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- F. Any proposal for an existing restaurant to provide for the sale of alcoholic beverages or for an existing restaurant or tavern to provide live entertainment, such proposal shall require the approval of conditional use by the Board of Supervisors.
- G. Adequacy of the water and sewer facilities shall be attested to by the U.S. Public Health Service and Pennsylvania Department of Environmental Protection.
- H. All exterior seating areas shall be completely enclosed by a fence or a landscape screen.

Section 1259. Retail Stores, Shopping Centers, Supermarkets, Business Offices in Excess of 10,000 Square Feet of Gross Floor Area.

- A. The proposed structure shall be connected to and use public water and public sewer. Applicant shall present evidence that sewer and water capacity has been obtained or reserved from the applicable provider.
- B. The lot shall directly abut and gain access from an arterial road or a rural major collector road.
- C. Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking areas and within all public rights-of-way abutting the parking areas according to the specifications for curbs and walkways in the Subdivision and Land Development Ordinance.
- D. A greenbelt shall be provided along all property lines (except for necessary access drives) which shall be at least eighty (80) feet in depth for building(s), whether initially or cumulatively, in excess of 50,000 square feet of gross area and at least fifty (50) feet in depth for building(s) between 10,000 and 50,000 square feet of gross floor area.

- E. Traffic control and access requirements.
- a. At least two separate points of ingress and egress shall be provided from an arterial road in a major rural collector road.
 - b. Applicant shall demonstrate that the road network providing access to and from the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner, or that the applicant will make all improvements necessary to the road network to provide for safe and convenient access to and from the site.
 - c. Applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movement, which will jeopardize the traveling public.
 - d. Applicant shall demonstrate that the location and design of the proposed access ways to and from the site are designed in a manner that will provide the least detrimental impact upon traffic capacity, level of service and safety upon abutting roads. Applicant shall install all traffic control signals and devices necessary to mitigate any detrimental impact.
 - e. If reduction of the speed limit, installation of traffic control signals and devices, or similar measures are required to mitigate traffic impacts upon Township or State highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations, guidelines and procedures to support the imposition of such traffic regulations or the installation of such traffic control signals or devices. If the enactment of an ordinance is necessary to effectuate traffic regulation, the applicant shall reimburse the Township for all expenses incurred in the preparation and enactment of the necessary ordinance.
 - f. Applicant shall make all improvements necessary to maintain an adequate level of service and to eliminate any unsafe conditions on all intersections and streets within the area; and shall make all improvements required by the applicable subdivision and land development ordinance, any other Township ordinance, and the regulations, guidelines and procedures of PennDOT.
- F. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site, stacking and cross-over traffic. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of stores, offices or shops or for trash removal or recyclable collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with internal circulation.
- G. Minimum front yard: Two hundred (200) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; one hundred (100) feet for all building(s) between 10,000 and 50,000 square feet of total gross floor area.
- H. Minimum side yard; One hundred (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five (75) feet for all building(s) between 10,000 and 50,000 square feet of total gross floor area.
- I. Minimum rear yard; One hundred (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five

(75) feet for all building(s) between 10,000 and 50,000 square feet of total gross floor area.

- J. Outdoor storage shall be limited to plants, nursery and garden supplies, soil, peat moss, and similar materials. Such outdoor storage shall not utilize off-street parking spaces. Outdoor storage of other goods and inventory shall not be permitted.
- K. Applicant shall present elevation drawings of all sides, including elevation drawings from prominent approach points. Applicant shall provide drawings which shall set forth the essential architectural elements of design of the structure.

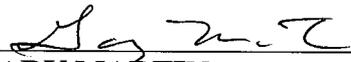
Section 1408. Hearings on Special Exceptions

- A. Where the Supervisors, in the Zoning Ordinance, have stated special exceptions to be granted or denied by the Zoning Hearing Board, the Board shall hear and decide requests for such special exceptions.
- B. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this ordinance.
- C. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- D. The special exception shall produce a total visual impression and environment, which is consistent with the environment of the neighborhood.
- E. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
- F. The special exception shall preserve the purpose of this Ordinance.

Section 1503. Effective Date.

Upon the adoption and enactment of this Zoning Ordinance, according to law, by the Board of Supervisors of Penn Township, County of Cumberland, Commonwealth of Pennsylvania, this Zoning Ordinance shall become effective on the 5th day after enactment.

DULY PRESENTED AND ORDAINED AND ENACTED BY the Board of
Supervisors of Penn Township, Cumberland County, Pennsylvania, this 14th day of November,
2013.



GARY MARTIN
Chairman, Board of Supervisors



KENNETH SHEAFFER
Vice Chairman

AMOS SEIDERS
Supervisor

ATTEST



VICKI KNEPP
Township Secretary

(Township Seal)