

Article 4

OVERLAY DISTRICTS

Section 401. FLOODPLAIN OVERLAY

A. PURPOSE

This section is intended to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditures of public funds for flood protection and relief; and maintain compliance with the National Flood Insurance Program (Act 166) by:

1. regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
2. restricting or prohibiting certain uses, activities, and development in the Floodway (FW) and Flood Fringe (FF) Districts or General Flood Plain (FA) Areas;
3. requiring all those uses, activities, and developments permissible in the Floodway (FW) and Flood Fringe (FF) Districts or General Flood Plain (FA) Areas to be protected and/or flood proofed against flooding and flood damage;
4. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. APPLICABILITY FOR FLOOD PLAIN OVERLAY DISTRICT.

1. Applicability for Flood Plains

Section 401 shall apply to all lands and water courses within the jurisdiction of East Pennsboro Township and shown on the official Floodway and Flood Fringe Map and FIRM as being located within the boundaries of a Flood Plain.

2. Flood Plain Overlay

The Floodway and Flood Fringe Districts and the General Flood Plain Areas shall be overlays to the underlying districts shown on the Official Zoning Map, and as such, the provisions for these districts/areas shall serve as a supplement to the underlying district provisions. Where there is any conflict between the provisions or requirements of the Floodway, Flood Fringe and General Flood Plain Areas and those of any underlying or overlay district, the more restrictive provisions and/or those pertaining to the Floodway, Flood Fringe and General Flood Plain Areas shall apply.

C. COMPLIANCE.

1. No development or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of Article 4 and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance

2. Prior to the issuance of a zoning permit, the Township's Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 537, as amended), the Pennsylvania Dam Safety and Encroachment Act (Act 325, as amended); the Pennsylvania Clean Streams Law (Act 394, as amended); and the U.S. Clean Water Act, Section 404,33, U.S.C. 1344. No permit shall be issued until this determination is made.

D. WARNING AND DISCLAIMER OF LIABILITY IN FLOOD PLAINS.

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

This section shall not create liability on the part of East Pennsboro Township or any office or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

E. ESTABLISHMENT OF FLOOD PLAIN DISTRICTS.

For the purpose of this section, the various flood plain districts shall include those areas identified as being subject to one-hundred (100) year flood in the Flood Insurance Study (FIS) prepared for East Pennsboro Township by the Federal Emergency Management Agency (FEMA) dated August 1976, or the most recent revision thereof. The boundaries of the Floodway (FW), Flood Fringe (FF) and General Flood Plain (FA) are established as shown on the Official Floodway, Flood Fringe and Flood Plain Map of East Pennsboro Township prepared by FEMA, or the most recent revisions thereof, which is declared to be a part of this ordinance and which shall be kept on file at the Township offices. This Map shall be subject to periodic revision by the Township in any respect not involving the delineation of the Floodway, Flood Fringe and General Flood Plain Areas.

1. The Floodway (FW) District is delineated for purposes of this section using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one-hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway (FW) District is shown on the East Pennsboro Township Official Zoning Map. The areas included in the District are specifically defined in the Floodway Data Table contained in the above referenced FIS and shown on the accompanying Flood Boundary and Floodway Map.
2. Flood Fringe (FF) District shall be that area of the 100-year flood plain not included in the Floodway (FW) District. The basis for the outer most boundary of this district shall be the one-hundred (100) year flood elevations contained in the flood profiles of the above referenced FIS and as shown on the accompanying Flood Boundary and Floodway Maps.
3. General Flood Plain Areas (FA)

The General Flood Plain (FA) shall be those flood plain areas for which no detailed flood profiles or elevations have been provided. Where the specific one hundred (100) year elevation has not been determined, then the applicant for the proposed use, development and/or activity shall determine this elevation

in accordance with hydrologic and hydraulic engineering techniques.

Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township.

F. INTERPRETATION OF DISTRICT BOUNDARIES.

1. Where interpretation is needed concerning the exact location of any boundary of the Floodway or Flood Fringe Districts, the Zoning Officer shall make the necessary determination. The person questioning or contesting the location of the district boundary may seek a zoning variance from the Zoning Officer's interpretation in accordance with the procedures of this Ordinance.
2. Township Engineer as Advisor to Zoning Officer.

Whenever the Zoning Officer is requested to make a determination regarding the location of boundaries under Section 401.F or to pass upon an application for a special exception under Section 401.L, the Township Engineer shall serve as technical advisor to the Zoning Officer or Zoning Hearing Board on the engineering matters involved.

G. FEES FOR APPLICATIONS FOR SPECIAL EXCEPTIONS.

Fees for zoning variance hearings as described under Section 401.F and for passing upon applications for special exceptions under Section 401.L, shall be as established from time to time by Resolution of the Township Board of Commissioners.

H. FLOOD PLAIN DISTRICT PROVISIONS.

All uses, activities, and development occurring within the Flood Plain shall be undertaken only in strict compliance with the provisions of Section 401 and with all other applicable codes and ordinances such as the East Pennsboro Township Building Code, and the East Pennsboro Township Land Development Ordinance.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of any watercourse, drainage ditch, or any other drainage facility or system.

Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the municipality, a permit shall be obtained from the PA Department of Environmental Protection. Notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both Federal Insurance Administration and the appropriate agencies overseeing the Flood Insurance program.

1. Floodway District (FW).
 - a. In the Floodway (FW) District the placement of any mobile homes shall be prohibited.
 - b. In the Floodway (FW) District, development projects will be analyzed under the "No Rise Rule." No structural development shall be permitted which will cause rise in the 100 year/regulatory flood heights, except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all

appropriate local and/or State authorities. When an applicant proposes to offset the effects of structural development in the Floodway District (FW) by construction of stream improvements, he/she shall submit an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction. The report shall use the Regulatory Flood as herein defined as the basis of analysis.

- c. Permitted Uses in the Floodway (FW) District - In the Floodway (FW) District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:
- i. Agricultural uses such as farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - ii. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
 - iii. Residential uses such as yard areas, gardens, play areas, and parking areas.
 - iv. Industrial and commercial uses such as yard areas, parking and loading areas, and airport landing strips.
- d. Uses Permitted by Special Exception - The following uses and activities may be permitted by special exception in the Floodway (FW) District provided that they are in compliance with the provisions of the underlying district, not prohibited by any other ordinance and do not increase flood elevations:
- i. Structures generally considered necessary for the activities in Section 401.H.1.c, as determined by the Zoning Hearing Board.
 - ii. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, and other similar or related uses.
 - iii. Water-related uses and activities such as marinas, docks, wharves and piers, if designed to minimize impact on, and damages from flooding.
 - iv. Extraction of sand, gravel, and other materials.
 - v. Temporary uses such as circuses, carnivals, and similar activities.
 - vi. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time

available after flood warning.

- vii. Other uses or activities determined by the Zoning Officer to be similar provided they cause no increase in the 100 year/regulator flood heights and/or velocities. All uses, activities and structural development, shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances.

2. Flood Fringe (FF) District

In the Flood Fringe (FF), the placement of any hospital, nursing home, jail, manufactured/mobile home park, or manufactured/mobile home subdivision shall be prohibited. Any other development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances, including the Building Code and the Land Development Ordinance of East Pennsboro Township. For any subdivision within the Flood Fringe District, the developer shall file with the Disaster Preparedness authorities of Cumberland County and East Pennsboro Township an evacuation plan which indicates alternate vehicular access routes and escape routes.

3. General Flood Plain (FA) Areas

In the General Flood Plain (FA) Area the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

1. Within any identified flood plain area, any new construction or substantial improvement of any structure shall have the lowest floor (including basement) elevated to one and one-half (1.5) feet above the regulatory flood elevation.

2. Uniform Construction Code (UCC) Coordination

The standards and specifications contained in the UCC (PA Act 45), as amended, shall apply to the above and all other sections, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

I. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions.

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| 1. Acetone | 12. Petroleum products (gasoline, fuel oil, etc.) |
| 2. Ammonia | 13. Phosphorus |
| 3. Benzene | 14. Potassium |
| 4. Calcium carbide | 15. Sodium |
| 5. Carbon disulfide | 16. Sulphur and sulphur products |
| 6. Celluloid | 17. Pesticides (including insecticides, fungicides and rodenticides) |
| 7. Chlorine | 18. Radioactive substances, insofar as such substances are not otherwise regulated |
| 8. Hydrochloric acid | |
| 9. Hydrocyanic acid | |
| 10. Magnesium | |
| 11. Nitric acid and oxides of nitrogen | |

2. Storage, production or use of the materials and substances listed in and in the amounts prescribed in Section 401.I.1 shall be prohibited in the Flood Plain:
3. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances.

J. EXISTING STRUCTURES IN FLOOD PLAIN DISTRICTS.

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

1. No expansion or enlargement of existing structure and or use shall be permitted within any Flood Plain that would cause an increase in flood heights.
2. Existing nonconformities (structures and/or uses) located in the Floodway District shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements and complies with all other applicable codes and ordinances.
3. The modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) located in either the Floodway District, Flood Fringe District, or General Flood Plain District to an extent or amount of fifty (50) percent or more of its value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
4. Any modification, alteration, repair, reconstruction, or improvement of any kind to an existing and/or nonconformity (structure and/or use) located in the Floodway District to an extent or an amount of less than fifty (50) percent of its value, **shall** be elevated and/or flood proofed to the greatest extent possible.

K. DAMAGED STRUCTURES.

The owner of any structure damaged as a result of flooding or inundation shall rebuild or repair the structure within one (1) year from the date the damage occurs. In the event a structure is damaged beyond repair, the owner shall demolish the structure within thirty (30) days of the date of receipt of notice to demolish from the Building Official.

L. SPECIFIC CRITERIA FOR SPECIAL EXCEPTIONS AND VARIANCES.

In passing upon applications for special exceptions, the Zoning Hearing Board shall consider all

relevant factors specified in other sections of this ordinance, and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments;
2. The danger that materials may be swept on to other lands or downstream to the injury of others;
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community;
6. The requirements of the facility for a waterfront location;
7. The availability of alternative locations not subject to flooding for the proposed use;
8. The compatibility of the proposed use with existing development and the development anticipated in the foreseeable future;
9. The relationship of the proposed use to the East Pennsboro Comprehensive Plan and the flood plain management program for the area;
10. The safety of access to the property in times of flood of ordinary and emergency vehicles;
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
12. Special exceptions shall not be issued by the Zoning Hearing Board within the Floodway (FW) District if any increase in flood levels during the Regulatory Flood discharge would result.
13. Special exceptions and variances shall only be issued by the Zoning Hearing Board upon
 - a. a showing of good and sufficient cause,
 - b. a determination that failure to grant the special exception or variance would result in exceptional hardship to the applicant, and
 - c. a determination that the granting of a special exception or variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances
14. Supplemental Technical Review

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception **or variance** to

any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

15. Conditions for Approving Special Exceptions

- a.** Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in;
 - i.** Unacceptable or prohibited increases in flood heights;
 - ii.** Additional threats to public safety;
 - iii.** Extra-ordinary public expense;
 - iv.** The creation of nuisances;
 - v.** Any fraud or victimization of the public, or;
 - vi.** Any conflict with local laws or ordinances.
- b.** No special exception shall be granted for any proposed use, development, or activity within any Floodway (FW) District that will cause any increase in flood heights.

16. Conditions for Approving Variances

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Article 24 and the following:

- a) No variance shall be granted for any construction, development, use, or activity within the Flood Plain that would cause any increase in the one hundred (100) year flood elevation.**

M. ABROGATION AND GREATER RESTRICTIONS.

To the extent they are consistent with or more restrictive than **Section 401**, the provisions of any other part of this ordinance, as enacted or hereafter amended, shall govern the use of land and the location, relocation, construction, reconstruction, enlargement or structural alterations of buildings and structures within the Floodway, Flood Fringe or General Flood Plain Districts.

Section 402. HILLSIDE/STEEP SLOPE PROTECTION OVERLAY DISTRICT (HSP)

A. PURPOSE

The Township Comprehensive Plan recognizes mountain slopes, hillsides and steep slopes as unique and sensitive natural features. Under conventional development practices, hillsides and steep slope areas are fragile and susceptible to erosion, landslides, mudslides, vegetative degradation and increased flooding. It is the purpose of **this** section to provide reasonable standards for hillside and steep slope development that: (1) guide development away from steep slope areas; (2) minimize grading and other site preparation on steep slopes; (3) preserve the natural conditions on steep slopes; and (4) prevent flooding and the deteriorating effects to hillside soil and streams from excessive erosion.

A HSP Overlay District is hereby established as a district which overlays other zoning

districts of this Ordinance as shown on the Township Zoning Map. Overlay Districts established in this Article and their provisions shall apply to all lands within the jurisdiction of The Township.

Where there happens to be conflict between the provisions or requirements of this Overlay District and those of any underlying district, the more restrictive provisions shall apply.

Where there happens to be conflict between the provisions or requirements of this Overlay District and those of any other Overlay District determined in accordance with the Article, the more restrictive provisions shall apply.

This section provides appropriate standards and regulations to minimize the negative impacts from development on the Township's steep hillside and slope areas.

B. ESTABLISHMENT OF THE HSP OVERLAY DISTRICT BOUNDARIES

The HSP Overlay District shall be established by the applicant at the time of land development or during the application for a zoning permit if no land development is proposed.

The HSP Overlay District boundary shall be based on a topographic investigation of critical slope areas. The HSP Overlay District shall consist of all land which has a natural slope of 25% or greater. The natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The horizontal run shall be measured at right angles to the natural contours.

C. VERIFICATION OF HILLSIDE/STEEP SLOPE DELINEATION

Where the applicant has provided a determination of the critical steep slope and hillside areas and the HSP Overlay District, the Township Engineer shall verify the accuracy of the boundary. The Zoning Officer, upon recommendation by the Township Engineer, may render adjustments to the boundary delineation in order to comply with this Ordinance. In the event that the adjusted boundary delineation is contested by the applicant, the applicant may appeal to the Zoning Hearing Board.

D. PERMITTED USES

The following uses shall be permitted in the HSP Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance and provided that they do not require structures, grading, fill, or storage of materials and equipment.

1. Agriculture Uses
2. Common Open Space
3. Educational Uses
4. Passive Recreation
5. Trails and Trail Access
6. Wildlife Preserve
7. Wildlife Habitat
8. Public Utilities
9. Any use determined by the Zoning Officer to be of the same general character as the above permitted uses.

E. STANDARDS

1. In all land development applications, the HSP Overlay District shall be described by a metes and bounds description.
2. A conservation easement covering the HSP Overlay District shall be provided on the land development plan in accordance with the Township Land Development Ordinance.
3. In all zoning permit applications, the HSP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above requirements.
4. Land with a slope greater than 25% percent as defined above may be removed or altered only when such slopes are isolated, small or otherwise occur as knolls.

Section 403. WETLAND PROTECTION OVERLAY DISTRICT (WP)

A. PURPOSE

The Comprehensive Plan identifies and recognizes hydric soils and wetlands and the natural features surrounding these areas as important hydrological and environmental assets. Wetlands provide important functions, such as: (1) habitat for fish, wildlife and vegetation; (2) water quality maintenance and natural pollution filter; (3) natural flood control; (4) erosion control; and, (5) educational and recreational opportunities. Damaging or destroying wetlands from the negative impacts of development threatens the public safety and general welfare in The Township. It is the purpose of this section to provide appropriate standards for delineating and preserving wetland areas. The WP Overlay is provided to: (1) require planning to avoid and minimize damage to wetlands whenever prudent or feasible; (2) require that land uses and developments which are not dependent on wetlands to be located in upland sites; and (3) allow wetland losses through proper mitigation only where practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest.

A WP Overlay District is hereby established as a district which overlays the other districts of this Ordinance as shown on the Township Zoning Map. Overlay Districts established in this Article and their provisions shall apply to all lands within the jurisdiction of The Township.

Where there happens to be conflict between the provisions or requirements of this Overlay District and those of any underlying district, the more restrictive provisions shall apply.

Where there happens to be conflict between the provisions or requirements of this Overlay District and those of any other Overlay District determined in accordance with the Article, the more restrictive provisions shall apply.

This section provides appropriate standards and regulations to minimize the negative impacts from development on the Township's steep hillside and slope areas.

B. ESTABLISHMENT OF WP OVERLAY DISTRICT BOUNDARIES

The WP Overlay District shall be established by the applicant at the time of land development or during the application for a zoning permit if no land development is

proposed.

The WP Overlay District boundary shall be established as an area within fifteen (15) feet of any delineated non-tidal wetland. The WP Overlay District shall be based on a wetland investigation. Comprehensive Plan maps related to flood plains and other general soils and hydric soils information may be used as a reference for determining the general location of major critical wetland areas. Final wetland delineations to define the WP Overlay District shall be performed in accordance with the procedures of the Pennsylvania Department of Environmental Protection as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be permitted. Wetland mitigation shall be approved by the Pennsylvania Department of Environmental Protection. Wetlands proposed and acceptable for mitigation shall not be considered part of the WPOD.

C. VERIFICATION OF WETLAND DELINEATION

Where the applicant has provided a determination of the critical wetland area and the WP Overlay District, the Township Engineer or qualified hydrologist shall verify the accuracy of the wetland delineation and boundary. The Zoning Officer, upon recommendation of the Township Engineer or hydrologist, may render adjustments to the boundary delineation in order to comply with this Ordinance. In the event that the adjusted boundary delineation is contested by the applicant, the applicant may appeal to the Zoning Hearing Board.

D. PERMITTED USES

The following uses shall be permitted uses in the WP Overlay District provided that (1) the use is in compliance with the provisions of the underlying district; (2) the use is not prohibited by another ordinance; and (3) the use does not require building(s), fill, or storage of materials and equipment.

1. Agriculture Uses
2. Common Open Space
3. Educational Uses
4. Passive Recreation
5. Trails and Trail Access
6. Wildlife Preserve
7. Wildlife Habitats
8. Any use determined by the Zoning Officer to be of the same general character as the above permitted uses.

E. STANDARDS

1. In all land development applications, the WP Overlay District shall be described by a metes and bounds description.
2. A conservation easement covering the WP Overlay District shall be provided on the land development plan in accordance with the Township Land Development Ordinance.
3. In all zoning permit applications, the WP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.

Section 404. HIGHWAY ACCESS MANAGEMENT OVERLAY

A. PURPOSE

The purpose of this section is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Access management encompasses the careful planning of the location, design and operation of driveways, median openings, interchanges and street connections. If access systems are not properly designed, the primary transportation network, including arterials and highways, will be unable to accommodate the access needs of development and retain their primary transportation function.

This section is intended to promote safe and efficient travel by limiting the number of conflict points, providing safe spacing standards between driveways, encouraging shared access between abutting properties, and ensuring safe access by emergency vehicles in the overlay area.

B. APPLICABILITY

This section shall apply to U.S. Routes 11 and 15 within the Township, and to all properties which abut this roadway. Any development, use or change of use within this overlay district shall conform to the specific requirements of Article 5 of the Township's Land Development Ordinance.

Where there happens to be a conflict between the provisions or requirements of this Overlay District and those of any underlying district the provisions of this district shall apply.

Where there happens to be a conflict between the provisions of this Overlay District and any other Overlay District the more restrictive provisions shall apply.

Section 405 VILLAGE OVERLAY

A. PURPOSE.

This district encourages areas that are currently densely developed to continue to develop or develop into traditional village centers. It is intended for the conduct of business to which the public requires direct and frequent access in addition to primary residences. This district will provide areas in which residential and commercial uses can be commingled in a mutually supportive and environmentally friendly manner, and provides for the location of a business and a residence in the same building. This district is designed to encourage the high density location of permitted uses as a means of revitalizing traditional village areas and making the delivery of goods and services more cost effective, convenient.

B. APPLICABILITY

This section shall apply to the following locations:

West Fairview along 2nd Street from 11/15 to Abolition; Summerdale along Valley Road from Park to 1st Street; and Enola along Enola Drive from Pennsylvania Ave. to Shady Lane. The Village overlays are designated on the Zoning Map.

Where there happens to be a conflict between the provisions or requirements of this Overlay District and those of any underlying district the provisions of this district shall apply.

Where there happens to be a conflict between the provisions of this Overlay District and any other Overlay District the more restrictive provisions shall apply.

C. PERMITTED USES.

In the Village Overlay, a building may be erected or used, and a lot may be used or occupied for any of the following uses:

1. Single-family detached dwellings.
2. Single-family semi-detached dwellings.
3. Single-family attached dwellings *
4. Two-family detached dwellings.
5. Two-family semi-detached dwellings.
6. Conversion apartments *
7. Multi-family dwellings.
8. Hotels and motels.
9. Boarding house *; Bed and breakfast
10. Restaurants
11. Restaurants, Carry-out, Drive-through, Take-out *
12. Bars and Taverns
13. Business, government or professional offices and office complexes.
14. Offices for non-profit, social, fraternal, religious, political or civic organizations.
15. Banks, credit unions brokerages and other financial service offices.
16. Health services, including medical and dental clinics and laboratories; offices of licensed practitioners of the healing arts. *
17. Commercial health club
18. Studios for instruction in music, arts, science, radio, and television.
19. Retail establishments, including but not limited to, those selling pharmaceuticals, clothing, dry goods, furniture, groceries and baked goods provided that any goods made on the premises must be sold only on the premises.
20. Personal services including, but not limited to, barber shops, beauty shops, tailor shops, dry cleaning and laundry establishments, car washes, minor equipment repair or service shops which are not primarily manufacturing in nature.
21. Newspaper and job printing establishments.
22. Public and private off-street parking lots and garages.

23. Convenience stores
24. Child day care center *
25. Group child day care home
26. Schools, public and private; colleges and universities.
27. Churches; places of worship.
28. Commercial recreation areas and facilities. *
29. Theaters and assembly halls.
30. Libraries.
31. Municipal recreation areas and facilities.
32. Municipal buildings.
33. No Impact, Home-based business.
34. Public utility facilities.
35. Telecommunication antenna (under twenty (20) feet in height). *
36. Funeral Home.
37. Timber harvesting. *
38. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

An * indicates that additional regulations found in Article 19 apply.

D. BUILDING HEIGHT

No building shall be erected to a height in excess of thirty-five (35) feet; provided, however, that this height may be increased one (1) foot for each additional foot that each and every setback exceeds the minimum required.

E. MINIMUM SETBACKS

1. Front – ten (10) feet
2. Side and Rear – shall conform to the underlying zoning district(s).

F. SUPPLEMENTAL REGULATIONS

1. All uses shall be connected to public sewer and public water.
2. Residences may be located in the same building as a business.
3. Lot area and lot coverage regulations shall conform to the underlying zoning district(s).

4. The Board of Commissioners reserves the right to set hours of operation for all non-residential uses.
5. All screening and buffering shall comply with Section 1901.B of this Ordinance.
6. Off-street parking shall be in accordance with the provisions contained in Article 21 of this Ordinance.
7. Sign regulations shall conform to Article 20 of this Ordinance.