

**ORDINANCE NO. 684**

**AN ORDINANCE OF THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 185 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE I (GENERAL PROVISIONS); ARTICLE II (DEFINITIONS); ARTICLE III (PLAN PROCEDURES AND SPECIFICATIONS); ARTICLE IV (DESIGN AND CONSTRUCTION STANDARDS); AND ARTICLE XII (ADMINISTRATION AND ENFORCEMENT) OF THE CODE OF THE TOWNSHIP OF DERRY AS NECESSARY TO BE CONSISTENT WITH THE TOWNSHIP'S REVISED ZONING ORDINANCE REGARDING MASTER PLAN PROCESSES, DEFINITIONS, REFERENCES TO SENSITIVE ENVIRONMENTAL AREAS, AND REMOVAL OF FLOOR AREA RATIO CONSIDERATIONS**

**BE IT ENACTED AND ORDAINED** under the authority and procedures of the Pennsylvania Municipalities Planning Code, by the Board of Supervisors of the Township of Derry, Dauphin County, Pennsylvania, as follows:

**SECTION 1:** Chapter 185, Article I (General Provisions), §185-5.A of the Code of the Township of Derry is hereby amended to read as follows:

- A. No subdivision or land development of any lot, tract or parcel of land located in Derry Township shall be made; no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, unless and until a preliminary subdivision and/or land development plat, or a master plan under the requirements of §225-501.58 of Chapter 225, Zoning, as may be required, has been approved by the Board of Supervisors and publicly recorded in the office of the Dauphin County Recorder of Deeds.

**SECTION 2:** Chapter 185, Article II (Definitions), §185-8 of the Code of the Township of Derry is hereby amended by adding the following:

- H. If a term is undefined by this Chapter, but is defined in Chapter 225, Zoning, then the definition of the term in Chapter 225 shall also apply to the term used in this Chapter.
- I. If a term is defined in this Chapter, and is defined differently in other Chapters of the Township Code, the definition of the term in this Chapter shall be used as defined in this Chapter.

**SECTION 3:** Chapter 185, Article II (Definitions), §185-9 of the Code of the Township of Derry is hereby amended by deleting the term 'FLOOR AREA RATIO' and its definition.

**SECTION 4:** Chapter 185, Article II (Definitions), §185-9 of the Code of the Township of Derry is hereby amended by revising the definitions for the following terms:

**COMMON DRIVEWAY** – A driveway providing frontage for dwelling units in a cluster development or master plan development which is part of the common open space, and otherwise meets the requirements of Chapter 225, Zoning.

**IMPERVIOUS COVER** – A surface of a lot that has been compacted or covered with material to the extent that it is highly resistant to infiltration by water. Impervious cover (surface or area) shall include, but is not limited to, conventional impervious surfaces such as paved streets, roofs, compacted stone, and sidewalks. Impervious cover shall also consist of surfaces similar to the following when used by motor vehicles or pedestrians, unless designed and approved as an infiltration BMP: graveled areas, paver blocks (including voids), bricks, and cobblestone. The water area of swimming pools shall not be considered to be impervious surface if the overflow system of the pool is connected to a sanitary sewer system. Decks are not counted as impervious area if they allow rain to drain through them and do not prevent infiltration.

**LOT, CORNER** – A lot which abuts two intersecting streets. Corner lots shall have a front yard area adjacent to each street frontage, not including alleys, with remaining yards being considered side yards.

**LOT, DOUBLE FRONTAGE** – A lot which abuts two generally parallel streets, not including alleys. Double frontage lots shall be required to provide a rear yard area adjacent to the secondary street frontage.

**NET DEVELOPABLE AREA** - The net area of a tract of land which is used for calculating the maximum density permitted which is determined by utilizing the various effective capacity ratings as they may apply to any land constraints existing on the tract (see Article II, §225-206.L of Chapter 225, Zoning).

**YARD AREA** – An open space area located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by and as otherwise required to be established in accordance with Chapter 225, Zoning.

**SECTION 5:** Chapter 185, Article II (Definitions), §185-9 of the Code of the Township of Derry is hereby amended by adding the following term and definition:

**MASTER PLAN** – A plan or plans and supporting data submitted as part of a grant of a conditional use by the Board of Supervisors that encourages ingenuity in the layout and design of coordinated projects in accordance with the process described in §225-501.58 of Chapter 225, Zoning.

**SECTION 6:** Chapter 185, Article III (Plan Procedures and Specifications), §185-11.D.(3).(n), (o), (p), and (q) of the Code of the Township of Derry are hereby amended to read as follows:

- (n) The zoning district in which the land is located.
- (o) Any overlay district in which the land is located.

(p) Number or letter to identify each lot.

(q) Proposed use of each lot.

**SECTION 7:** Chapter 185, Article III (Plan Procedures and Specifications), §185-12.D.(3).(a).[10] of the Code of the Township of Derry is hereby amended to read as follows:

[10] Location of various sensitive environmental areas which exist on the land as described in §225-401.2 of Chapter 225, Zoning, as amended.

**SECTION 8:** Chapter 185, Article III (Plan Procedures and Specifications), §185-12.D.(3).(a).[27] of the Code of the Township of Derry is hereby amended to read as follows:

[27] Density of development expressed in units per acre.

**SECTION 9:** Chapter 185, Article III (Plan Procedures and Specifications), §185-13.A.(4) of the Code of the Township of Derry is hereby amended to read as follows:

(4) Final plans shall be preceded by a preliminary plan or master plan submission. However, when approval to do so is given by the Township, a final plan submission may be combined with a preliminary plan submittal.

**SECTION 10:** Chapter 185, Article III (Plan Procedures and Specifications), §185-13.E.(4).(a).[10] of the Code of the Township of Derry is hereby amended to read as follows:

[10] Location of various sensitive environmental areas which exist on the land as described in §225-401.2 of Chapter 225, Zoning, as amended.

**SECTION 11:** Chapter 185, Article III (Plan Procedures and Specifications), §185-13.E.(4).(a).[26] of the Code of the Township of Derry is hereby amended to read as follows:

[26] Density of development expressed in units per acre.

**SECTION 12:** Chapter 185, Article IV (Design and Construction Standards), §185-22.A.(3) of the Code of the Township of Derry is hereby amended to read as follows:

(3) Private streets are prohibited except to the extent that common driveways are permitted as part of a conditional use grant for a cluster development as described in §225-501.43 of Chapter 225, Zoning; or as part of a conditional use grant for a master plan development as described in §225-501.58 of Chapter 225, Zoning.

**SECTION 13:** Chapter 185, Article IV (Design and Construction Standards), §185-28.B.(2) of the Code of the Township of Derry is hereby amended to read as follows:

(2) Notwithstanding the extension distances set forth in Subsection B(1), above, all development activities required by the provisions of §225-409 of Chapter 225, Zoning, as amended, and all residential development having more than 10

dwelling units shall be required to connect to an existing public water main supply system.

**SECTION 14:** Chapter 185, Article IV (Design and Construction Standards), §185-28.C.(2) of the Code of the Township of Derry is hereby amended to read as follows:

- (2) Notwithstanding the extension distances set forth in this subsection, all development activity required by the provisions of §225-409 of Chapter 225, Zoning, as amended, and all residential developments having more than 10 dwelling units, shall be required to connect to an existing public sanitary sewer.

**SECTION 15:** Chapter 185, Article XII (Administration and Enforcement), §185-61.A of the Code of the Township of Derry is hereby amended to read as follows:

- A. Upon the approval of a preliminary plan, final plan, or a master plan that is submitted in accordance with §225-501.58 of Chapter 225, Zoning, the developer shall within 90 days of such final approval record such plan in the office of the recorder of deeds of Dauphin County. The recorder of deeds shall not accept any plan for recording unless such plan officially notes the approval by the Board of Supervisors and review by the Township and County Planning Commissions.

**SECTION 16:** Chapter 185, Attachment 20, Appendix S (Township of Derry Subdivision or Land Development Plan Submission Application), Checklist items 17 and 28 are hereby amended to read as follows:

17. Density of development expressed in units per acre.
28. Location of various sensitive environmental areas which exist on the land as described in §225-401.2 of Chapter 225, Zoning, as amended.

**SECTION 17:** Any ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 18:** If any section, subsection, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

**SECTION 19:** The Board of Supervisors finds that this ordinance is consistent with the overall goals of the Comprehensive Plan of Derry Township.

**ORDAINED AND ENACTED** into law this \_\_\_\_\_ of \_\_\_\_\_, 2017, to become effective five days from the date hereof.

ATTEST

BOARD OF SUPERVISORS  
TOWNSHIP OF DERRY  
DAUPHIN COUNTY, PENNSYLVANIA

BY: \_\_\_\_\_  
Secretary

BY: \_\_\_\_\_  
Chairman

*(Seal)*