

Notice of Intent to Consider and Adopt

Notice is hereby given by the Board of Supervisors of the Township of Derry, Dauphin County, Pennsylvania, that it is their intent to consider and, if approved by formal action, adopt a new Zoning Ordinance (Chapter 225 [Zoning], of the Code of the Township of Derry).

The Board of Supervisors intends to take such action at their meeting of Tuesday, March 28, 2017, which will commence at 7:00 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

A summary of the principal provisions of the Zoning Ordinance is as follows:

ARTICLE I (Authority and Purpose), establishes the title of the Ordinance; sets forth the authority for the adoption of the Ordinance; establishes the policies, goals, and community development objectives; provides rules for interpretation; establishes under what circumstances the Ordinance is applicable; provides a severability clause; and provides instruction for how to use the Ordinance.

ARTICLE II (Form and Function), provides a general description and the method of interpreting the boundaries of the Zoning Districts and Overlay Zoning Districts; establishes a table of permitted uses in each of the Zoning Districts and Overlay Zoning Districts; and provides information regarding dimensional lot criteria, dimensional exceptions, permitted yard area encroachments, and net developable area calculations.

ARTICLE III (Zoning Districts and Overlays), establishes the classification and purpose of the various Zoning Districts including Conservation, R-1 (Larger Lot, Single-Family Residential), R-2 (Smaller Lot, Single-Family Residential), R-3 (Smaller Lot, Variable Residential), General Commercial, Planned Campus North, Planned Campus South, Planned Campus West, Medical Campus Central, Commercial Recreation, Commercial Golf, Palmdale Mixed Use, Hershey Mixed Use, Limited Compatibility, and Industrial; and provides for a variety of Overlay Districts, including Thoroughfares, Environment, Development Approval Areas, and Signage. This article also depicts the Official Zoning Map and Official Overlay Zoning Maps of the Township.

ARTICLE IV (Performance Standards and Supplementary Regulations), describes the Overlay Zoning Districts locations, restrictions, regulations, requirements, standards, and conditions of the Thoroughfare Zoning Overlays which include: Community Heritage Buffer (Overlay 1), Middletown Road (Overlay 2), Hersheypark Drive/Route 39 (Overlay 3), Hersheypark (Overlay 4), Governor Road (Overlay 5), Palmdale Future Development Area, (Overlay 6), Planned Campus West Future Development Area (Overlay 7), Compact Development Area (Overlay 8), Downtown Core (Overlay 9), East Chocolate Avenue (Overlay 10), Homestead Road/Fishburn Road (Overlay 11), Sand Hill Road (Overlay 12) and Southern Core (Overlay 13); the Environmental Overlays which include: Sensitive Environmental Resources, and the Floodplain Overlay; the Airport Safety Zone Overlay; and the Signage Overlay. This article also includes regulations for parking requirements, including design and construction standards for parking facilities, provisions for shared parking, minimum off-street parking ratios for specified uses, off-street loading and unloading requirements, and bicycle parking standards; establishes standards for landscaping, including nonresidential use landscape buffer requirements and parking lot landscaping; and establishes general criteria and limitations for certain uses, including the keeping of domestic pets, domestic animals and nondomestic animals as a noncommercial accessory use, temporary construction buildings and trailers, temporary real estate offices, fences, forestry, specific uses to be served by public water and sewer, unenclosed storage, subsurface or overhead buildings and structures in yard areas, satellite antennae, retail sales of

agricultural products grown on site, garage sales, outdoor storage of recreational activity vehicles and utility vehicles, use of searchlights for promotional purposes, access areas for fire apparatus, special provisions for occupied buildings greater than 95 feet in height, requirements for no impact home-based businesses and home occupations, communications antennas, communications ancillary equipment and communications towers, outdoor lighting standards, alternative energy sources, businesses containing drive-through service, amusement park ride height exception, and performance standards for nonresidential uses permitted in the Hershey Mixed Use, Palmdale Mixed Use, and Conservation zoning districts.

ARTICLE V (Conditional Uses and Special Exceptions), establishes procedural criteria for the review of conditional use applications, and provides specific requirements for conditional uses where permitted within a particular zoning district, including requirements for single family conversions, multifamily apartment dwellings, single-family attached dwellings, single-family semidetached dwellings, single-family detached dwellings, two-family attached dwellings, mobile home parks, automotive car wash/lubrication facilities, cigar, hookah, and/or vapor lounges, commercial parking lots and structures, food services with drive-through operations, wineries, food catering services, guest lodging, dining and conference facilities, bed and breakfast homes, heliports, landscaping and garden centers, membership clubs, private parking lots or structures, minor fuel services, major fuel services, specialty homes, botanical gardens, indoor and outdoor archery and/or shooting ranges, bowling alleys, casinos and gambling facilities, country clubs, golf courses, zoos, large-scale retail establishments, taxidermy services, manufacturing facilities, mineral extraction activities, truck terminals, waste management facilities, life care facilities and skilled nursing homes, group homes, research/technology business incubators, recycling centers, sewage treatment plants, sexually oriented businesses, uses that are similar to specified permitted uses, billboards, shared parking facilities, cluster developments, unique buildings, affordable housing density incentives, administrative offices of County, State or Federal government, mixed-use buildings, visitor centers, funeral homes, hotels/motels and residence hotels/motels, small-scale retail establishments, group child care facilities, other scientific research centers, development and training facilities, incinerators and crematoriums, highwall signs and landmark signs, murals/street art, development approval process for master plans, healthcare practitioners offices, medical marijuana dispensaries, and medical marijuana growing/processing facilities; and establishes procedural criteria for the review of special exception use applications and provides specific requirements for special exception uses where permitted within a particular zoning district, including bed and breakfast homes, farm home occupations, family child care homes, campgrounds, communication antenna and towers greater than 50 feet in height, conference and meeting centers, guest lodging, dining and conference facilities, membership clubs, accessory dwelling units, sign area relief, compact car parking, and reestablishing discontinued nonconforming uses.

ARTICLE VI (Nonconformity Regulations), establishes regulations for the continuance of nonconforming uses and buildings and provides requirements on the expansion, alteration, or substitution of nonconforming uses or areas of land, buildings or structures; provides for restoration of nonconforming buildings, structures, and land uses; prohibits the reversion of a conforming use to a nonconforming use; declares existing uses that would be permitted by special exception or conditional use to be existing nonconforming uses; and specifically excludes nonconforming signs from the general rules relating to nonconformity.

ARTICLE VII (Rezoning), establishes the purpose, procedures, and criteria for rezoning properties in the Township.

ARTICLE VIII (Permits), establishes the submittal, review, and administration requirements for the application, issuance, and the keeping of records of Zoning Permits, Building Permits and/or Certificates of Use and Occupancy.

ARTICLE IX (Amendments), establishes the criteria by which the Township Board of Supervisors may enact amendments to the Zoning Ordinance; establishes criteria by which landowners or the Township may file curative amendments for any portions of the Ordinance that may be deemed to be invalid, and establishes procedures by which any amendments will be enacted, published, advertised, and made available for public review.

ARTICLE X (Administration and Enforcement), provides provisions relating to the administration and enforcement of the Zoning Ordinance, including the appointment and powers of a Zoning Officer; establishes criteria for the issuance of enforcement notices; establishes causes for actions to be taken in the event any building, structure, or land is constructed or used in violation of the Ordinance; establishes violations and penalties of the Ordinance; establishes provisions for the creation, administration, powers, duties, procedures, and other functions of the Zoning Hearing Board and the Planning Commission; and establishes a Downtown Core Design Board.

ARTICLE XI (Definitions), provides for word usage, language interpretation, and definitions of specific words and phrases as used in the Zoning Ordinance.

Appendices are included to provide supplemental reference data to the Zoning Ordinance summarized above.

The full text of the Zoning Ordinance may be viewed at the Derry Township Department of Community Development, 600 Clearwater Road, Hershey, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday; or online at www.derrytownship.org, under 'Public Notices'. Copies of the full text of the Zoning Ordinance can be obtained, at cost, at the Department of Community Development.

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