

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Supervisors of the Township of Derry, Dauphin County, Pennsylvania, will conduct a public hearing on Tuesday, March 12, 2019, at 6:00 p.m., in the Meeting Room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA. The purpose of the hearing is to receive public comment regarding proposed Ordinance No. 713, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry to make general revisions, corrections, and clarifications relative to regulations described in Article II (Form and Function); Article III (Zoning Districts and Overlays); Article IV (Performance Standards and Supplementary Regulations); and Article V (Conditional Uses and Special Exceptions).

Proposed Ordinance No. 713 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](http://www.derrytownship.org) under 'Public Notices.' **(SEE NEXT PAGE)**

All interested parties are invited to attend.

Charles W. Emerick, Director of Community Development

## ORDINANCE NO. 713

### AN ORDINANCE OF THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 225 (ZONING) OF THE CODE OF THE TOWNSHIP OF DERRY TO MAKE GENERAL REVISIONS, CORRECTIONS, AND CLARIFICATIONS RELATIVE TO REGULATIONS DESCRIBED IN ARTICLE II (FORM AND FUNCTION); ARTICLE III (ZONING DISTRICTS AND OVERLAYS); ARTICLE IV (PERFORMANCE STANDARDS AND SUPPLEMENTARY REGULATIONS); AND ARTICLE V (CONDITIONAL USES AND SPECIAL EXCEPTIONS)

**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 225, Article II (Form and Function), §225-205, Table 1<sup>1</sup> (Zoning Ordinance Land Use Table) of the Code of the Township of Derry is hereby amended by amending the 'Hotels and Motels' row (under the 'Commercial Uses' subheading) to disallow the use as a by-right permitted use in the Downtown Core Overlay district of the Hershey Mixed Use zoning district, as follows: delete 'O9' from the 'Hershey Mixed Use' column in the 'Hotels and Motels' row. Table 1 is further amended by amending the 'Guest Lodging, Dining and Conference Facilities' row (under the 'Commercial Uses' subheading) to disallow the use as a Conditional Use (C) in the Hershey Mixed Use zoning district, as follows: delete 'C' from the 'Hershey Mixed Use' column in the 'Guest Lodging, Dining and Conference Facilities' row, and change the shading of the block to grey.

**SECTION 2:** Chapter 225, Article II (Form and Function), §225-206.G.1 of the Code of the Township of Derry is hereby amended to read as follows:

1. Front Yard Area Exception. In developed areas, the Township Zoning Officer may require the minimum front yard area to be adjusted for a proposed use to be in proper relation to existing adjacent uses, when the following findings are made:
  - i. That the proposed front yard area is the average of the existing adjacent front yard areas located on each side, and within 100 feet of the proposed improvement. Where there is only one adjacent yard, such as corner lots, the single existing front yard area may be utilized to determine the permitted adjustment.
  - ii. That the adjusted yard area would not conflict with required intersection sight distances or areas necessary for future street, sidewalk, or utility construction.
  - iii. That the requirement of landscaping for parking areas serving nonresidential uses will not be diminished.

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<sup>1</sup> Table 1, as amended, is attached in its entirety at the end of this document.

**SECTION 3:** Chapter 225, Article III (Zoning Districts and Overlays), §225-315, Table 28<sup>2</sup> (Hershey Mixed Use Uses) of the Code of the Township of Derry is hereby amended by amending the ‘Hotels and Motels’ row (under the ‘Commercial Uses’ subheading) to disallow the use as a by-right permitted use in the Downtown Core Overlay district, as follows: delete ‘O9’ from the second column of the ‘Hotels and Motels’ row. Table 28 is further amended by deleting the ‘Guest Lodging, Dining and Conference Facilities’ row (under the ‘Commercial Uses’ subheading) in its entirety.

**SECTION 4:** Chapter 225, Article IV (Performance Standards and Supplementary Regulations), §225-402.5.A of the Code of the Township of Derry is hereby amended to read as follows:

- A. Minimum off-street parking requirements are as follows in Table 35. Where the calculation in Table 35 results in a fraction, the requirement shall be rounded up to the next whole number.

**SECTION 5:** Chapter 225, Article V (Conditional Uses and Special Exceptions), §225-501.58.A.7.b of the Code of the Township of Derry is hereby amended to read as follows:

- b. Density Bonus. For those applicants/owners who complete the Master Plan approval process, the permitted residential densities of the applicable zoning district may be increased by up to the following percentages:
  - i. Single Family Detached, Semidetached, and Two-Family Dwellings: 40%
  - ii. Single Family Attached Dwellings (Townhouses): 35%
  - iii. Apartment and Senior Apartment Dwellings: 25%

**SECTION 6:** Chapter 225, Article V (Conditional Uses and Special Exceptions), §225-501.58.A.8.b.i of the Code of the Township of Derry is hereby amended to read as follows:

- i. The applicant may propose covenants containing substantially the same provisions as set forth in §225-501.43.D; or

**SECTION 7:** Chapter 225, Article V (Conditional Uses and Special Exceptions), §225-502.B.3 of the Code of the Township of Derry is hereby amended to read as follows:

- 3. The Township Zoning Hearing Board shall find that the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

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<sup>2</sup> Table 28, as amended, is provided in its entirety at the end of this document.

**SECTION 8:** Chapter 225, Article V (Conditional Uses and Special Exceptions), §225-502.3.A of the Code of the Township of Derry is hereby amended to read as follows:

- A. The family child care use shall be subordinate to the use of a home as a single-family detached dwelling when the dwelling is existing or otherwise permitted.

**SECTION 9:** Chapter 225, Article V (Conditional Uses and Special Exceptions), §225-502.7 of the Code of the Township of Derry is hereby amended to read as follows:

**§225-502.7. Reserved.**

**SECTION 10:** Chapter 225, Article V (Conditional Uses and Special Exceptions), §225-502.9.A.1 of the Code of the Township of Derry is hereby amended to read as follows:

- 1. One accessory dwelling unit may be established when accessory to a single-family detached, a semidetached, a single-family attached, or a two-family detached dwelling unit when the principal dwelling unit is existing or is otherwise permitted.

**SECTION 11:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 12:** 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 13:** The Board of Supervisors finds that this ordinance is consistent with the overall goals of the Derry Township Comprehensive Plan.

**ORDAINED AND ENACTED** into law this \_\_\_\_\_ of \_\_\_\_\_, 2019, to become effective five days from the date hereof.

ATTEST

BOARD OF SUPERVISORS  
TOWNSHIP OF DERRY  
DAUPHIN COUNTY, PENNSYLVANIA

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

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

(Seal)

Table 1: Zoning Ordinance Land Use Table  Uses	Base Zoning Districts														
	Conservation	R-1	R-2	R-3	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	Industrial
<b>Residential Uses</b>															
Single-family Detached Dwelling	P	P	P	P	P		C				P	P			
Single-family Semidetached Dwelling				P			C				P	P			
Single-family Attached Dwelling (Townhouse)				P			C				O6	C			
Single Family Conversion			C	C							C	C			
Two-family Detached Dwelling				P			C				O6	P			
Multifamily Apartment Dwellings				P		C	C				O6, O10	C			
Bed and Breakfast Home	P	C									SE	SE			
Boarding Home					P					P					
Dwellings for Employees & Students						P		P							
Farm Home Occupation	P	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Family Child Care Home	SE	SE	SE	SE			SE	SE			SE	SE			
Mobile Home Park				C											
Private Community Facilities/Recreation Areas		P	P	P	P	P	P	P	P	P	P	P	P		P
Home Occupations	P	P	P	P			P				P	P			
No-Impact Home Based Business	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Units	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<b>Commercial Uses</b>															
Auction Houses		O12			P										
Automobile and Truck Leasing/Rental					P										P
Automotive Car Wash/Lubrication Facilities					P		C				C	C			P
Bakery, Retail					P		P				O6, O10	O8, O9, O10, O13			
Business and Professional Offices		O12			P	P	P	P	P		O6, O10	O8, O9, O10, O13			P
Campgrounds										SE					
Cigar, Hookah, and/or Vapor Lounge					C										
Commercial Entertainment Signs										O4					
Commercial Laundry					P										P
Commercial Parking Lot or Structure						C			C	P	O6, O10	O9, O10			
Communications Antenna, Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Communications Antenna, Utility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Communications Antenna, Towers ≤ 50 feet in height	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Communications Antenna, Towers > 50 feet in height	SE				SE	SE	SE		SE	SE	SE	SE		SE	SE
Communications Antenna, Co-located and Replacement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dry Cleaning Service, Retail					P		P				O6, O10	O8, O9, O10, O13			
Financial Institutions					P		P				O10	O8, O9, O10, O13			
Food Catering					P		C				C	C			P
Food Services Without Drive-Through					P	P	P			P	P	O10	O8, O9, O10, O13		
Food Services With Drive-Through					P		C								
Fuel Service - Minor					P		C				C	C	P	P	
Fuel Service - Major					P							C	C	P	P
Funeral Homes		O12			P		C					C			
Guest Lodging, Dining and Conference Facilities					P	P			C	P					
Healthcare Practitioners Office		C			P		P		P		O6, O10	O9, O10, O8, O13			

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	Conservation	R-1	R-2	R-3	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	Industrial
<b>Commercial Uses</b>															
Heliport					P	C		C	C	P		O10	O10, O13 C (O8)		C
Hotels and Motels					P	C		C		P		O10	O10, O13 C (O8)		
Horse Riding Stables & Facilities, No Horse Racing	P														
Kennel	P				P									P	P
Landscape and Garden Service - non-retail	P	C			P	C									P
Landscaping and Garden Center - retail		C			P			C							
Laundromat					P			P				O10	O8, O9, O10, O13		
Membership Club					SE			C		SE	P	C	C		
Micro-distilleries/Breweries					P			P					O8, O9		
Motor Vehicle Fuel, Wholesale														P	P
Motor Vehicle Repair Garages					P										
Motor Vehicle Sales and Service					P										
Mixed Use Building					P	C	P	P	P	P		O6, O10	O8, O9, O10, O13		
Outpatient Medical Treatment Facilities					P			O7	P						
Personal Service Establishments		O12			P			P				P	P		
Pet Grooming Facilities					P			P				O10	O8, O9, O10, O13		
Photocopy Service					P			P				O10	O9, O10		
Private Parking Lot or Structure						C		P	C	P		O6, O10	O8, O9, O10, O13		P
Private Recreational, Sports and Entertainment Facilities															
<i>Amusement, Theme, Entertainment or Water Parks</i>										O4					
<i>Amusement Arcades</i>										P					
<i>Botanical Gardens</i>	C					P	P			P					
<i>Archery &amp; Shooting Ranges, Indoor</i>	C					C								C	
<i>Archery &amp; Shooting Ranges, Outdoor</i>						C								C	
<i>Bowling Alleys</i>					P			C		P					
<i>Casinos &amp; Gambling Facilities</i>										C				C	
<i>Country Club</i>	C									P	P		P		
<i>Exercise &amp; Fitness Centers</i>					P			P		P		O6, O10	O9, O10, O8, O13		
<i>Golf Courses (Conventional &amp; Special)</i>	C									P	P				
<i>Recreation Facilities for Employees, Faculty &amp; Students</i>						P	P		P	P					P
<i>Sporting and Entertainment Arenas &amp; Stadiums</i>										P					
<i>Sport &amp; Field Complexes</i>					P	P				P		O6			
<i>Zoos</i>	C				P					P					
Rental and Leasing Businesses															P
Research/Technology Business Incubator								C	C						C
Residence Hotels and Motels					P	C		C		P					
Retail, Large-Scale					P			C				C	C		
Retail, Small-Scale		O12			P			P		C		O6,O10	O8, O9, O10, O13		
Service and Repair Facilities					P										P
Sexually Oriented Businesses										C				C	

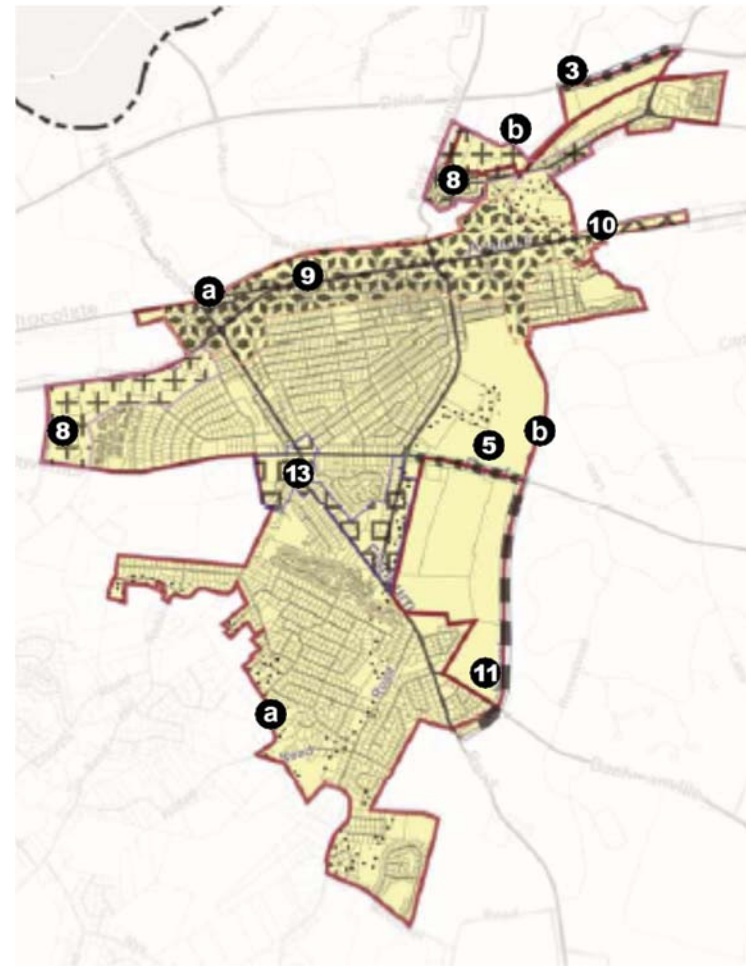
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<b>Commercial Uses</b>															
Specialty Home					C						C	C			
Studios/Gallery for Teaching, Dancing, Art, Music or Similar Cultural Pursuits					P		P				O6, O10	O8, O9, O10, O13			
Taxidermy					C										P
Theater and Auditorium					P		C		P		O10	O9, O13, O10			
Veterinary Office					P		P	P			O10	O8, O9, O10, O13			
Veterinary Hospital					P			P							
Visitor Center						C			P			O8, O9, O10, O13			
Winery	C				P		P		C						
<b>Industrial Uses</b>															
Assembling															P
Production Bakery															P
Commercial/Industrial Laundering and Dry-Cleaning Facilities															P
Crematory															C
Grain Milling															P
Importing & Exporting Establishments															P
Industrial Equipment Sales & Repair															P
Laboratories															P
Machine Shop															P
Manufacturing														C	P
Medical Marijuana Dispensary														C	
Medical Marijuana Grower/Processor														C	
Mineral Extraction	P														C
Printing and Publishing															P
Processing															P
Self-storage facilities															P
Solid, Liquid or Gas Fuel Dealers															P
Solid or Liquid Waste Transfer Stations															P
Storage, Including Fuel Storage															P
Transportation Terminals														C	
Waste Management Facilities														C	
Warehousing															P
Welding Shop															P
Wholesale Trade Establishments															P
Wood Millworks															P
<b>Institutional Uses</b>															
Life Care Facilities						C	C	P			C	C			
Group Child Care Facilities		O12			P		C	P			C	C			
Group Home for Persons with Disabilities	C		C					C					C		
Group Home for Persons without Disabilities	C							C					C		
Hospital					P			P							
Incinerators and Crematoriums								C						C	C
Medical-related Research Facilities							O7	P						P	P
Museums					P		P		P		P	P			

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Other Scientific Research, Development and Training Facilities							O7	P						P	C
Place of Worship/Place of Assembly	P	P	P	P	P		P	P	P	P		P	P	P	
Prisons														P	
Schools	P	P	P	P	P	P	P	P	P	P		P	P	P	
Skilled Nursing							C	P				C	C		
<b>Municipal/Public Uses</b>															
Administrative Offices of County, State or Federal Government (Office)	C	C	C	C	P	C	C	P	P	P	P	P	P	C	P
Libraries	P	P	P	P	P		P	P	P	P	P	P	P	P	
Municipal Buildings and Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fire/Emergency Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parks, Playgrounds & Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Service Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Buildings					P	P						P	P		P
Recycling Center														C	
Sewage Treatment Plants						P									C
<b>Agricultural/Conservation Uses</b>															
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemeteries	P											P			
Natural Conservation Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Miscellaneous</b>															
Uses similar to specified permitted uses	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Billboard														C	C
Unique Buildings	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Cluster Development Option	C	C	C	C											
Affordable Housing Density Option			C									C	C		
Wind Energy Conversion Systems (Principal Use)	P													P	P
Solar Panel Arrays (Principal Use)	P													P	P
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P



§ 225-315 Hershey Mixed Use

Map 17: Zoning District - Hershey Mixed Use



Overlays

- Environmental Overlays
- Hersheypark Drive/Route 39
- Governor Road
- Compact Development
- Downtown Core
- East Chocolate Avenue
- Homestead/Fishburn Roads
- Southern Core

Approval Areas

- Central Master Plan Approval Area
- North/South Master Plan Approval Area

Figure 12: Hershey Mixed Use Lot Dimensional Diagram

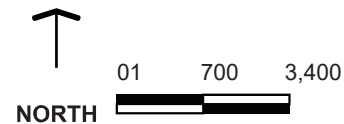
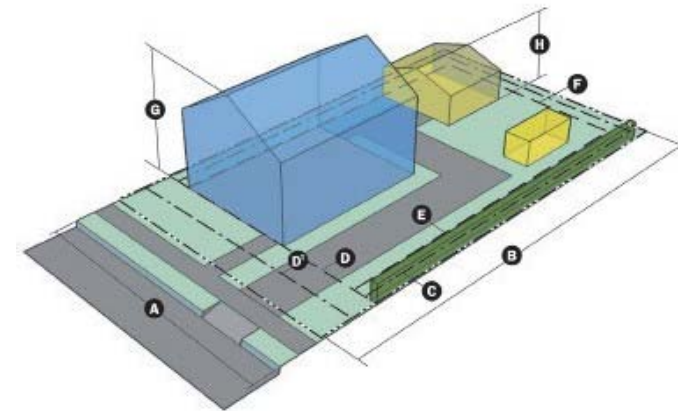


Table 29: Hershey Mixed Use Dimensions

[Amended 11-14-2017 by Ord. No. 692; 7-10-2018 by Ord. No. 705]

		O8	O9 <sup>3</sup>	O10	O13			
<b>A</b>	Minimum Lot Width (FT)	40	40	40	100			
<b>B</b>	Minimum Lot Depth (FT)	100	100	100	125			
<b>C</b>	Minimum Non-res. Lot Area	N/A	N/A	N/A	N/A			
<b>SETBACKS (FT)</b>	<b>PRINCIPAL STRUCTURE</b>	<b>D</b> Front	Min	20 <sup>2</sup>	20	Variable <sup>1</sup>	20	25
		<b>E</b> Side	Min	5	5	5	5	5
		<b>F</b> Rear	Min	5	5	5	5	5
	<b>ACCESSORY (minimum)</b>	Front	50	50	50	50	50	50
		Side	5	5	5	5	5	
		Rear	5	5	5	5	10	
<b>MAX HEIGHT (FT)</b>	<b>G</b> Principal Structure	35 <sup>4</sup>	50	60	50	50		
	<b>H</b> Accessory Structure	20	20	20	20	20		
Maximum Impervious Coverage		40% <sup>4</sup>	60%	85%	60%	60%		
Minimum Vegetated Coverage		50% <sup>4</sup>	30%	5%	30%	30%		
<b>RES. DENSITY</b>	SFDD/SFSD/TFDD	5 DU/NDA	7 DU/NDA	7 DU/NDA	7 DU/NDA	5 DU/NDA		
	Apartments & Mixed Use Buildings	8 DU/NDA	25 DU/NDA	49 DU/NDA	12 DU/NDA	8 DU/NDA		

<sup>1</sup> (1) Front: 6 feet. However, this distance may be adjusted for portions of the building as follows:

- (a) 4 feet for up to 75% of the building and attachments to the building.
- (b) 2 feet for up to 50% of the building and attachments to the building.
- (c) 0 feet for up to 50% of the building greater than 14 feet from the adjacent sidewalk or adjacent ground level, whichever is higher.

(2) No principal building shall have a yard area greater than 12 feet for 100% of its frontage unless physical constraints of the property prohibit a lesser yard area.

<sup>2</sup> Front yard setback from Elm Avenue shall be 30 feet for principal structures.

<sup>3</sup> Residential Uses (SFDs, SFSDs, and TFDDs) within the O9 Overlay district that contain no frontage along Chocolate Avenue shall comply with all dimensional criteria of the underlying Hershey Mixed Use zoning district rather than the O9 Overlay district dimensional criteria.

<sup>4</sup> Non-residential uses permitted by-right within the base zoning district shall be permitted to have a maximum principal structure height of 50 feet, a maximum impervious coverage ratio of 60%, and a minimum vegetative coverage ratio of 30%.

§ 225-315 Hershey Mixed Use

Table 28: Hershey Mixed Use Uses [Amended 11/14/2017 by Ord. No. 692]

Residential Uses		
Single-family Detached Dwelling	P	
Single-family Semidetached Dwelling	P	
Single-family Attached Dwelling (Townhouse)	C	§501.3
Single Family Conversion	C	§501.1
Two-family Detached Dwelling	P	
Multifamily Apartment Dwellings	C	§501.2
Bed and Breakfast Home	SE	§502.1
Farm Home Occupation	SE	§502.2
Family Child Care Home	SE	§502.3
Private Community Facilities/Recreation Areas	P	
Home Occupations	P	
No-Impact Home Based Business	P	
Accessory Dwelling Units	SE	§502.9
Commercial Uses		
Automotive Car Wash/Lubrication Facilities	C	§501.6
Bakery, Retail	O8, O9, O10, O13	
Business and Professional Offices	O8, O9, O10, O13	
Commercial Parking Lot or Structure	O9, O10	
Communications Antenna, Building-mounted	P	
Communications Antenna, Utility-mounted	P	
Communications Antenna, Towers ≤ 50 ft	P	
Communications Antenna, Co-located/Replacement	P	
Dry Cleaning Service, Retail	O8, O9, O10, O13	
Financial Institutions	O8, O9, O10, O13	
Food Catering	C	§501.11
Food Services Without Drive-Through	O8, O9, O10, O13	
Fuel Service - Minor	C	§501.18
Fuel Service - Major	C	§501.19
Funeral Homes	C	§501.49
Healthcare Practitioners Office	O8, O9, O10, O13	
Hotels and Motels	O10, O13	C in O8 per §501.50
Laundromat	O8, O9, O10, O13	
Membership Club	C	§501.16
Micro-distilleries/Breweries	O9, O8	
Mixed Use Building	O8, O9, O10, O13	
Personal Service Establishments	P	
Pet Grooming Facilities	O8, O9, O10, O13	

Commercial Uses		
Photocopy Service	O9, O10	
Private Parking Lot or Structure	O8, O9, O10, O13	
Recreational, Sports and Entertainment Facilities		
<i>Country Club</i>	P	
<i>Exercise &amp; Fitness Centers</i>	O9, O8, O10, O13	
Retail, Large-Scale	C	§501.29
Retail, Small-Scale	O8, O9, O10, O13	
Specialty Home	C	§501.20
Studios/Gallery for Teaching, Dancing, Art, Music or Similar Cultural Pursuits	O8, O9, O10, O13	
Theater and Auditorium	O9, O10, O13	
Veterinary Office	O8, O9, O10, O13	
Visitor Center	O8, O9, O10, O13	
Institutional Uses		
Life Care Facilities	C	§501.34
Group Child Care Facilities	C	§501.52
Museums	P	
Place of Worship/Place of Assembly	P	
Schools	P	
Skilled Nursing	C	§501.34
Municipal/Public Uses		
Administrative Offices of County, State or Federal Government (Office)	P	
Libraries	P	
Municipal Buildings and Uses	P	
Fire/Emergency Services	P	
Parks, Playgrounds & Recreation	P	
Utility Service Structures	P	
Utility Buildings	P	
Agricultural/Conservation Uses		
Agricultural Uses	P	
Natural Conservation Areas	P	
Miscellaneous		
Affordable Housing Density Option	C	§501.45
Forestry	P	
Uses similar to specified permitted uses	C	§501.40
Unique Buildings	C	§501.44