ORDINANCE NO. 733

AN ORDINANCE OF UPPER ALLEN TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF UPPER ALLEN TOWNSHIP, CHAPTER 245 (ZONING), SECTION 9, TO MODIFY THE UPPER ALLEN TOWNSHIP ZONING MAP TO REZONE LAND FROM THE (INS) INSTITUTIONAL DISTRICT TO THE (BPO) BUSINESS PROFESSIONAL OFFICE DISTRICT, REZONE LAND FROM THE (INS) INSTITUTIONAL DISTRICT TO THE (R-3) HIGH DENSITY RESIDENTIAL DISTRICT, AND REZONE LAND FROM THE (BPO) BUSINESS PROFESSIONAL OFFICE DISTRICT TO THE (INS) INSTITUTIONAL DISTRICT; SECTION 92 TO LIMIT THE FLOOR AREA OF RETAIL USES; ATTACHMENT 11, TABLE XIII TO PERMIT CERTAIN ADDITIONAL USES IN THE (BPO) BUSINESS PROFESSIONAL OFFICE DISTRICT; SECTION 206 TO REGULATE DENSITY OF MULTIFAMILY DWELLINGS IN THE (BPO) BUSINESS PROFESSIONAL OFFICE DISTRICT; SECTIONS 195 AND 220 TO MODIFY SPECIFIC STANDARDS FOR DESIGNATED USES; SECTION 157 TO MODIFY HEIGHT ADJUSTMENTS; AND ATTACHMENT 13 TO MODIFY CERTAIN SETBACKS FOR RESIDENCES WITHIN MIXED USE BUILDINGS

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1: The Upper Allen Township Zoning Map, Chapter 245, Section 9, of the Code of Upper Allen Township, is hereby amended to rezone from the (INS) Institutional District to the (BPO) Business Professional Office District (i) the parcel known as Cumberland County Property Identification No. 42-30-2110-018, (ii) the portions of parcels known as Cumberland County Property Identification Nos. 42-11-0276-009 and 42-11-0276-108 that are shaded on Exhibit "A" (the "BPO Land"), together with the portion of the right of way of Lisburn Road that adjoins the BPO Land and is located to the north of the centerline of such right of way. The parcels and areas that are to be rezoned under this Ordinance are shown on Exhibit "A" as the shaded area and are described by metes and bounds in Exhibit "B", both of which are attached to and made a part of this Ordinance, and are hereby intended and deemed to include entire contiguous area that is bounded to the west by a parcel known as Cumberland County Property Identification No. 42-30-2110-048; to the north by the portion of Cumberland County Property Identification No. 42-11-0276-009 that already is located in the (BPO) Business Professional Office District and is not proposed to be rezoned under this Section 1; to the east by the portion of Cumberland County Property Identification No. 42-11-0276-108 that is not to be rezoned under this Section 1; and to the south by the centerline of the right of way of Lisburn Road.

SECTION 2: The Upper Allen Township Zoning Map, Chapter 245, Section 9, of the Code of Upper Allen Township, is hereby amended to rezone from the (INS) Institutional District to the (R-3) High Density Residential District the portions of parcels known as Cumberland County Property Identification Nos. 42-11-0276-035 and 42-11-0276-108 that are hatched on Exhibit "A" and described by metes and bounds in Exhibit "C", both of
which are attached to and made a part of this Ordinance, together with the portion of the right of way of Lisburn Road that adjoins the portion of Cumberland County Property Identification No. 42-11-0276-108 that is rezoned under this Section 2 and is located to the north of the centerline of such right of way. The land that is to be rezoned under this Section 2 is intended and deemed to include entire contiguous area that is bounded to the west by a parcel known as Cumberland County Property Identification No. 42-11-0276-009 and the portions of Cumberland County Property Identification No. 42-11-0276-108 that is not to be rezoned to the (R-3) High Density Residential District under this Section 2; to the north by parcels known as Cumberland County Property Identification Nos. 42-11-0276-009, 42-11-0276-008A, and 42-29-2456-015A; to the east by parcels known as Cumberland County Property Identification Nos. 42-30-2112-069 and 42-30-2112-071; and to the south by parcels known as Cumberland County Property Identification Nos. 42-30-2112-004, 42-30-2112-005, 42-30-2112-006, 42-30-2112-007, 42-30-2112-008, 42-30-2112-009, 42-30-2112-010, 42-30-2112-012, the portion of Cumberland County Property Identification No. 42-11-0276-035 that is not to be rezoned under this Section 2, and the centerline of the right of way of Lisburn Road.

SECTION 3: The Upper Allen Township Zoning Map, Chapter 245, Section 9, of the Code of Upper Allen Township, is hereby amended to rezone from the (BPO) Business Professional Office District to the (INS) Institutional District the portion of a parcel known as Cumberland County Property Identification No. 42-11-0276-009 that is shaded on Exhibit "A" and described by metes and bounds in Exhibit "D", both of which are attached to and made a part of this Ordinance. The area that is to be rezoned under this Section 3 is hereby intended and deemed to include entire contiguous area that is bounded to the north and west by the portion of Cumberland County Property Identification No. 42-11-0276-009 that is not proposed to be rezoned under this Section 1; and to the south and east by Cumberland County Property Identification No. 42-11-0276-108.

SECTION 4: The Code of Upper Allen Township, Chapter 245 (Zoning), Attachment 11, Table XIII, shall be and is hereby amended to add the following language as Permitted Uses:

<table>
<thead>
<tr>
<th>Use #</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Multifamily dwellings (§245-206)</td>
</tr>
<tr>
<td>22</td>
<td>Emergency medical treatment facilities (§245-189)</td>
</tr>
<tr>
<td>23</td>
<td>Medical and similar labs and clinics (§245-195)</td>
</tr>
<tr>
<td>24</td>
<td>Retail businesses</td>
</tr>
<tr>
<td>25</td>
<td>Convenience stores with or without gas dispensing (§245-186)</td>
</tr>
<tr>
<td>26</td>
<td>Shopping centers, malls or plazas (§245-220)</td>
</tr>
</tbody>
</table>

The Conditional Use(s) listed in Table XIII shall be renumbered sequentially to account for the addition of the above uses.
Section 5: The Code of Upper Allen Township, Chapter 245 (Zoning), Article XIII, Business and Professional Office District (BPO), Section 245-92 (Use and Lot Requirements) shall be and is hereby amended to add the following language as Subsection 245-92.E:

E. Use limitation. Without intending to reduce the total lot coverage or building area as otherwise permitted in this Article XIII, the square footage of a retail business may not exceed 15,000 square feet in gross floor area. The total square footage of retail businesses in any building that is part of a shopping center, mall, or plaza may not exceed 15,000 square feet in gross floor area.

Section 6: The Code of Upper Allen Township, Chapter 245 (Zoning), Article XXI, Specific Standards for Designated Uses shall be and is hereby amended to add the following language as Section 245-206.F:

F. In the BPO District, (i) the maximum density of multifamily dwelling units shall not exceed 3 dwelling units per acre of the total land area in the BPO District that is proposed to be subdivided or developed under a preliminary subdivision or land development plan and (ii) such plan proposes the development of permitted uses other than multifamily dwelling units.

Section 7: The Code of Upper Allen Township, Chapter 245 (Zoning), Article XXI, Specific Standards for Designated Uses, Section 220 (Shopping Centers), Subsection G, shall be and is hereby amended to read as follows:

G. All shopping centers, malls, plazas and large commercial establishments shall front and have a full access driveway on an arterial roadway or shall have direct access to an arterial roadway via a collector or local street that intersects with an arterial roadway within one-half mile of such use.

Section 8: The Code of Upper Allen Township, Chapter 245 (Zoning), Article XXI, Specific Standards for Designated Uses, Section 195 (Hospitals), Subsection F, shall be and is hereby amended to read as follows:

F. The subject property shall have frontage along an arterial or collector roadway or have direct access to an arterial roadway via a collector or local street that intersects with an arterial roadway within one-half mile of such facility.

Section 9: The Code of Upper Allen Township, Chapter 245 (Zoning), Attachment 13, shall be and is hereby amended to include the two asterisks ("**") after the phrase "Minimum setback from residences or residential zones" and include the following language below the table in Attachment 13:

** The minimum setback for off-street parking and loading spaces shall not be required for residences that are contained in mixed use buildings that also contain commercial uses.
Section 10: The Code of Upper Allen Township, Chapter 245 (Zoning), Article XX, Supplemental Regulations, Section 157 (Height Adjustments), Subsections B(1) and B(3), shall be and are hereby amended to read as follows:

(1) R-3, C-1, C-2, PRD shall not exceed 45 feet, except that multifamily dwellings in the R-3 District shall be permitted to have a maximum height of (i) 55 feet if a parking garage is not provided on the first floor of the building or (ii) 65 feet if a parking garage is provided on the first floor of the building; provided that for each additional one foot above 45 feet the width of each side yard is further increased by two feet or, in the case of more than one principal building on a single lot, the separation distance between buildings is further increased by two feet. Notwithstanding the foregoing, multifamily dwellings in the R-3 District shall not have more than three habitable floors.

(3) BPO, INS, I shall not exceed 55 feet, except that motels/hotels with conference/convention centers in the BPO District shall be permitted to have a maximum height of 85 feet, provided that for each additional one foot above 55 feet the width of each side yard is further increased by two feet or, in the case of more than one principal building on a single lot, the separation distance between buildings is further increased by two feet.

Section 11: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 12: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.

Section 13: This Ordinance shall take effect and be in force immediately upon enactment.

ENACTED AND ORDAINED, into an Ordinance this 18th day of February, 2015, by the Board of Commissioners of Upper Allen Township.

ENACTED AND ORDAINED this 18th day of February, 2015

ATTEST:

[Signature]
(Assistant) Secretary

UPPER ALLEN TOWNSHIP

By: [Signature]
Kenneth M. Martin, President
Board of Commissioners
ALL THAT CERTAIN tract or parcel of land situate in the Township of Upper Allen in the County of Cumberland, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of State Route 2004, a/k/a Lisburn Road, having a legal right-of-way width of 50 feet, said point being located a distance of 350’ feet east of the center line of Mill Road T-61040; thence along lands now or formerly of Colonial View Association North 07° 40’ 53” East, a distance of 527.82 feet to an iron pin; thence along an existing Zoning District boundary, South 88° 57’ 11” East a distance of 689.62 feet to an iron pin; thence continuing along a proposed property line, South 41° 09’ 25” East, a distance of 365.39 feet to a point; thence along a proposed property line South 07° 47’ 12” East, a distance of 129.25 feet to a iron pipe; thence along the lands of Messiah College, South 07° 47’ 12” East, a distance of 220.88 feet to a point on the center line of State Route 2004, a/k/a Lisburn Road; thence along said center line North 84° 24’ 11” West , a distance of 200.56 feet to a point on said center line; thence continuing along said center line North 85° 05’ 05” West , a distance of 551.94 feet to a point on said center line; thence continuing along said center line North 86° 37’ 42” West , a distance of 27.84 feet to a point on said center line; thence continuing along said center line North 86° 13’ 51” West , a distance of 271.24 feet to the Point of Beginning.

CONTAINING 12.058 Acres of Land.
ORDINANCE NO. ____
EXHIBIT C

ALL THAT CERTAIN tract or parcel of land situate in the Township of Upper Allen in the County of Cumberland, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of State Route 2004, a/k/a Lisburn Road, having a legal right-of-way width of 50 feet, said point being located a distance of 1795.93 feet east of the center line of Mill Road T-61040; thence through lands now or formerly of Messiah College along a center line of future road North 13° 53’ 26” West, a distance of 55.02 feet to a point on said center line; thence continuing along said center line along a curve to the right having the radius of 300 feet, a length of 304.21 feet, a cord of 291.34 feet and a chord bearing of North 15° 09’ 32” East to a point on said center line; thence along a proposed property line, North 44° 58’ 51” West a distance of 212.68 feet to a point; thence along a property line, South 71° 13’ 12” West a distance of 168.99 feet to a point; thence along a property line, North 18° 58’ 23” West a distance of 659.64 feet to a point; thence along a property line, North 38° 44’ 05” East a distance of 178.57 feet to an iron pin; thence along a property line, North 39° 51’ 02” East a distance of 887.68 feet to a point; thence through lands now or formerly of Sherry L. Hughes, South 26° 33’ 49” East a distance of 10.16 feet to a point; thence continuing along said property line, North 81° 11’ 06” East a distance of 190.49 feet to a point; thence continuing along said property line, South 18° 58’ 19” East a distance of 1525.03 feet to an iron pin; thence along lands now or formerly of Allen M. Knisely, South 71° 14’ 52” West a distance of 75.00 feet to a point; thence through lands now or formerly of Messiah College, South 71° 14’ 52” West, a distance of 149.00 feet to a point; thence along lands now or formerly of Ronald W. & Claire A Gruver, Kenneth E. & Sherry L. Bruck, Messiah College, Michael D. Rice, Wayne P. & Kelly J. Mallon, Glenn C. Karper and Janet M. Nelson, South 71° 14’ 52” West, a distance of 580.00 feet to an iron pin; thence continuing along lands now or formerly of Janet M. Nelson, South 19° 00’ 37” East a distance of 150.00 feet to a point on the center line of State Route 2004, a/k/a Lisburn Road; thence along said center line, South 74° 49’ 17” West a distance of 201.89 feet to the Point of Beginning.

CONTAINING 32.718 Acres of Land.
ORDINANCE NO. ____
EXHIBIT D

ALL THAT CERTAIN tract or parcel of land situate in the Township of Upper Allen in the County of Cumberland, Commonwealth of Pennsylvania, bounded and described as follows:

TO FIND THE POINT OF BEGINNING commence at a point in the center of State Route 2004, a/k/a Lisburn Road, having a legal right-of-way width of 50 feet and T-610, a/k/a Mill Road, having a legal right-of-way width of 33 feet; thence along land now or formerly of Colonial View Association along the center line of Lisburn Road South 84° 51’ 35” East, a distance of 349.50’ to a point on said center line; thence continuing along said center line through lands now or formerly of Messiah College along said center line South 86° 13’ 51” East, a distance of 271.24 feet to a point on said center line; thence continuing along said center line South 86° 37’ 42” East, a distance of 27.84’ to a point on said center line; thence continuing along said center line South 85° 05’ 05” East, a distance of 551.93’ to a point on said center line; thence continuing along said center line South 84° 24’ 11” East, a distance of 200.56’ to a point on said center line; thence along a proposed property line, North 07° 47’ 12” West a distance of 350.13 feet to a point; thence along a property line, North 41° 09’ 25” West a distance of 365.39 feet to a point, said point being the POINT OF BEGINNING. From the point of beginning as thus established, run thence along a proposed property line, North 10° 23’ 39” East a distance of 440.42 feet to a point; thence along a proposed property line, North 82° 52’ 14” East a distance of 478.25 feet to a point; thence along a property line, South 38° 44’ 05” West a distance of 631.43 feet to the Point of Beginning.

CONTAINING 2.414 Acres of Land.