AN ORDINANCE OF UPPER ALLEN TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF UPPER ALLEN, SPECIFICALLY CHAPTER 245 (ENTITLED “ZONING”), ARTICLE VI (ENTITLED “COMMERCIAL, MIXED-USE AND INSTITUTIONAL DISTRICTS”), SECTION 245-6.2 (ENTITLED “PERMITTED USES”), TABLE VI-1 (ENTITLED “COMMERCIAL AND MIXED USE DISTRICTS”) TO PERMIT MULTIFAMILY DWELLINGS BY RIGHT IN THE HIGHWAY COMMERCIAL (C-2) DISTRICT; ARTICLE VI (ENTITLED “COMMERCIAL, MIXED-USE AND INSTITUTIONAL DISTRICTS”), SECTION 245-6.3 (ENTITLED “NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT”), SUBSECTION 245-6.3.B (ENTITLED “USE LIMITATION”) TO INCLUDE CERTAIN AREA STANDARDS FOR MIXED USE BUILDINGS; ARTICLE XIV (ENTITLED “SPECIFIC STANDARDS FOR DESIGNATED USES”), SECTION 245-14.43 (ENTITLED “MULTIFAMILY DWELLINGS”), SUBSECTIONS 245-14.43.F AND 245-14.43.G TO ADD CERTAIN STANDARDS FOR MULTIFAMILY DWELLINGS IN THE C-1 DISTRICT AND C-2 DISTRICT; AND ARTICLE XVI (ENTITLED “GENERAL REGULATIONS”), SECTION 245-16.6 (ENTITLED “HEIGHT ADJUSTMENTS”), SUBSECTION 245-16.6.B(1) TO INCLUDE CERTAIN HEIGHT STANDARDS FOR MULTIFAMILY DWELLINGS IN THE C-1 DISTRICT AND C-2 DISTRICT.

ORDINANCE ____

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, by authority of the same as follows:

SECTION 1: The Code of the Township of Upper Allen, specifically Chapter 245 (Entitled “Zoning”), Article VI (Entitled “Commercial, Mixed-Use and Institutional Districts”), Section 245-6.2 (Entitled “Permitted uses”), Table VI-1 (Entitled “Commercial and Mixed-Use Districts”), is hereby amended to permit multifamily dwellings by right in the Highway Commercial (C-2) District.

SECTION 2: The Code of the Township of Upper Allen, specifically Chapter 245 (Entitled “Zoning”), Article VI (Entitled “Commercial, Mixed-Use and Institutional Districts”), Section 245-6.3 (Entitled “Neighborhood Commercial (C-1) District”), subsection 245-6.3.B (Entitled “Use limitation”), is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language to read as follows:

B. Use limitation. Without intending to reduce the total lot coverage or building area as otherwise permitted in this article, the square footage of a single structure may not exceed 15,000 square feet in gross floor area, with the exception of libraries, public parks and recreation areas, houses of worship, mixed use buildings that include both nonresidential and residential uses, provided the commercial nonresidential component of the building does not exceed 15,000 square feet in gross floor area, and municipal buildings, which may exceed 15,000 square feet in gross floor area.
SECTION 3: The Code of the Township of Upper Allen, specifically Chapter 245 (Entitled “Zoning”), Article XIV (Entitled “Specific Standards for Designated Uses”), Section 245-14.43 (Entitled “Multifamily dwellings”), Subsections 245-14.43.F and 245-14.43.G, are hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language to read as follows:

... F. In the C-1, C-2 and PO Districts, the maximum density of multifamily dwelling units shall not exceed three dwelling units per acre of the total land area of the tract that is supposed to be subdivided or developed under a preliminary or final subdivision or land development plan and such plan proposes the development of permitted nonresidential uses in addition to multifamily dwelling units. In the C-2 District, multifamily dwelling units shall only be permitted in mixed use buildings that include both nonresidential and residential uses on a tract of land that is located in both the C-1 and C-2 Districts. In the C-1 and C-2 Districts, except that the maximum density of multifamily dwelling units shall not exceed 8.5 dwelling units per acre for mixed use buildings that include both nonresidential and residential uses on a tract of land that is located in both the C-1 and C-2 Districts.

... G. In the PO, C-1, C-2 and VIL Districts, multifamily housing shall only be permitted to be located on the second floor and above in the same building as permitted nonresidential uses, or above a nonresidential use, provided that:

... 

SECTION 4: The Code of the Township of Upper Allen, specifically Chapter 245 (Entitled “Zoning”), Article XVI (Entitled “General Regulations”), Section 245-16.6 (Entitled “Height adjustments”), subsection 245-16.6.B(1), is hereby amended as indicated by the blackline interlineations below, with strikeout interlineations indicating deletions of language and underlined interlineations indicating insertions of language 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 55 feet if a parking garage is not provided on the first floor of a building or 65 feet if a parking garage is provided on the first floor of the building; provided that, for each additional one foot above the 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. Mixed use buildings that include both nonresidential and residential uses on a tract of land that is located in both the C-1 District and the C-2 Districts shall be permitted to have a maximum height of 60 feet provided that, for each additional one foot above the 45 feet the width of each side yard is further increased by two feet. Notwithstanding the foregoing, multifamily dwellings in the R-3 District and mixed use buildings that include both non-residential and
residential uses on a tract of land that is located in both the C-1 District and the C-2 Districts shall not have more than three habitable floors.

SECTION 5: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6: 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 7: This Ordinance shall take effect and be in force immediately upon enactment.

ENACTED AND ORDAINED, into an Ordinance this ___ day of __________, 2021, by the Board of Commissioners of Upper Allen Township.

ATTEST:  

(upper) Secretary

UPPER ALLEN TOWNSHIP

By: ________________

Kenneth M. Martin, President
Board of Commissioners