

Silver Spring Township Zo ning Ordinance



Cumberland County, PA

PUBLIC REVIEW

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Silver Spring Township TABLE OF CONTENTS Zoning Ordinance

**ARTICLE 1: BACKGROUND PROVISIONS 1 SECTION 100 SHORT TITLE
1 SECTION 101 PURPOSE 1 SECTION 102 SCOPE 1 SECTION 103
INTERPRETATION 1 SECTION 104 CONFLICT 1 SECTION 105
VALIDITY 2 SECTION 106 USES NOT PROVIDED FOR 2 SECTION 107**

ESTABLISHMENT OF ZONES 2 SECTION 108 ZONING MAP AND
VEHICULAR ACCESS MAP 2 SECTION 109 ZONE BOUNDARY LINES 3
SECTION 110 COMMUNITY DEVELOPMENT OBJECTIVES 3 SECTION
111 DEFINITIONS 3 SECTION 112 PUBLIC USES 42

ARTICLE 2: ZONE REGULATIONS 43 SECTION 200 CONSERVATION
ZONE (C) 43 SECTION 201 AGRICULTURAL ZONE (A) 47 SECTION 202
RURAL RESIDENTIAL ZONE (R) 51 SECTION 203 RESIDENTIAL
ESTATE ZONE (RE) 54 SECTION 204 R-1 RESIDENTIAL ZONE (R-1) 57
SECTION 205 HIGH DENSITY RESIDENTIAL ZONE (R-2) 62 SECTION
206 VILLAGE RESIDENTIAL ZONE (R-3) 66 SECTION 207 VILLAGE
OVERLAY ZONE (VO) 68 SECTION 208 MIXED USE A ZONE (MUA) 86
SECTION 209 MIXED USE B ZONE (MUB) 93 SECTION 210
NEIGHBORHOOD COMMERCIAL ZONE (C-1) 96 SECTION 211
COMMUNITY COMMERCIAL ZONE (C-2) 99 SECTION 212 HIGHWAY
COMMERCIAL ZONE (C-3) 102 SECTION 213 PROFESSIONAL OFFICE
ZONE (O) 105 SECTION 214 LIGHT INDUSTRIAL ZONE (I-1) 108
SECTION 215 GENERAL INDUSTRIAL ZONE (I-2) 111 SECTION 216
QUARRY ZONE (Q) 115 SECTION 217 INTERCHANGE REGIONAL
GATEWAY ZONE (INT-RG) 117 SECTION 218 INTERCHANGE
PLANNED COMMERCE ZONE (INT-PC) 121 SECTION 219
FLOODPLAIN ZONE (FP) 129

i

**TABLE OF CONTENT Silver Spring Township Zoning
Ordinance**

SECTION 220 RESOURCE & LANDSCAPE MANAGEMENT OVERLAY
ZONE (RLMO) 141 **ARTICLE 3: GENERAL PROVISIONS 150**
SECTION 300 GENERAL PROVISIONS 150 300.1 Erection of more than
one Principal Use on a Lot 150 300.2 Required Vehicular Access 150 300.3
Roadway Classifications 151 300.4 Zoning Requirements for use of On-Lot
Sewage Disposal Systems 151 300.5 Permanent/Temporary Occupancy
Requirements 152 300.6 Reasonable Request for Accommodation 152 300.7
Required Nutrient Management Plans 153 300.8 Common Facilities 154 300.9
Maximum Property Utilization Standards 155 300.10 Development Along
Streams and Wetlands 156 300.11 Delineation of Natural and Cultural
Features 156 SECTION 301 ACCESSORY USES AND STRUCTURES 156
301.1 Fences and Walls 156 301.2 Swimming Pools 157 301.3 Tennis Courts
157 301.4 Reserved 157 301.5 Alternative Energy Sources 157 301.6
Garage/Yard Sales 157 301.7 Accessory Repair of Personal Motor Vehicles
158 301.8 Ornamental Ponds and Wading Pools 158 301.9 Man-Made Lakes,
Dams and Impoundments 158 301.10 Outdoor Storage and Display
Requirements 159 301.11 Outdoor Wood-Fired Boilers or Furnaces 161
301.12 Beekeeping 162 301.13 Farm Stands 162 301.14 Farmers Market 162
301.15 Agri-toursim 163 301.16 Agricultural Marketing Enterprise or Farm
Occupation 163 301.17 Non-Commercial Keeping of Livestock 164 301.18
Accessory Drive-thru/Pick-up 165 SECTION 302 OPERATIONS AND

PERFORMANCE STANDARDS 166 302.1 Control of Light and Glare 166
SECTION 303 ADDITIONAL DIMENSIONAL STANDARDS 168

ii

Silver Spring Township TABLE OF CONTENTS Zoning Ordinance

303.1 Setback Modifications 168 303.2 Height Limit Exceptions 170 303.3
Corner Lots 170 303.4 Minimum Habitable Floor Area 170
SECTION 304 USE SPECIFIC CRITERIA 171 304.1 Amusement Arcades 171
304.2 Automobile Parts Store and Automotive Service and Repair Facilities
171 304.3 Automobile Filling Stations (including minor incidental repair)
172 304.4 Billboards 172 304.5 Car Washes 173 304.6 Commercial Day-
Care Facilities 173 304.7 Commercial Recreation Facilities 174 304.8
Reserved 175 304.9 Echo Housing 175 304.10 Farmers Markets 176 304.11
Schools, Public and Private 177 304.12 Mini-Storage 177 304.13 Retail Sale
of Goods & Services in Neighborhood Commercial Zone (C-1) 178 304.14
Dry Cleaners, Laundries and Laundromats 178 304.15 Kennel, Riding Stable,
and Non-Profit Animal Rescues 179 304.16 Two-Family Conversions 179
304.17 Conversion Apartments 180 304.18 Reserved 180 304.19 Forestry
180 304.20 Health and Fitness Club 182 304.21 Reserved 183 304.22 Public
Utilities Structures 183 304.23 Flea Markets 183 304.24 Warehousing and
Wholesale Trade Establishment 184 304.25 Automobile Detailing Salon 185
304.26 Brew Pub 186 304.27 Tasting Room 186 304.28 Alcoholic Beverage
Production 187

ARTICLE 4: SPECIFIC CRITERIA 187

SECTION 400 SPECIFIC STANDARDS FOR SPECIAL EXCEPTION
AND CONDITIONAL USES 187

iii

TABLE OF CONTENT Silver Spring Township Zoning Ordinance

SECTION 401 ACCESSORY APARTMENTS 187 SECTION 402 ADULT-
RELATED FACILITIES 188 SECTION 403 AIRPORTS/HELIPORTS 189
SECTION 404 AUTOMOBILE SALES AND AUTOMOTIVE SERVICE,
REPAIR FACILITIES, AND AUTOMOBILE SALES STORAGE LOTS

189

SECTION 405 BANKS AND SIMILAR FINANCIAL INSTITUTIONS 192
SECTION 406 BED AND BREAKFAST 192 SECTION 407 BOARDING
HOUSES 193 SECTION 408 RETAIL SALE OF GOODS AND SERVICES
193 SECTION 409 EVENT CENTER 193 SECTION 410
CAMPGROUNDS 194 SECTION 411 COMMERCIAL DAY-CARE
FACILITIES 195 SECTION 412 COMMERCIAL LIVESTOCK
OPERATIONS 196 SECTION 413 COMMERCIAL STOCKYARDS OR

FEEDLOTS 196 SECTION 414 CONVENTION CENTERS 197 SECTION 415 CONVERSION APARTMENTS 199 SECTION 416 FAMILY DAY-CARE FACILITIES 199 SECTION 417 MIXED-USE BUILDING 200 SECTION 418 GOLF COURSES 201 SECTION 419 HEALTH AND FITNESS CLUBS 203 SECTION 420 HEALTH - CARE CAMPUS AND HOSPITAL 203 SECTION 421 HEAVY INDUSTRIAL USES 206 SECTION 422 HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES 206 SECTION 423 MULTI-FAMILY DWELLING (C-2 & C-3) 207 SECTION 424 HISTORIC STRUCTURES CONVERSIONS 207 SECTION 425 HOME OCCUPATIONS 209 SECTION 426 HOTELS AND RELATED FACILITIES 209 SECTION 427 PLACE OF WORSHIP AND RELATED USES 211 SECTION 428 JUNKYARDS 212 SECTION 429 MEDICAL RESIDENTIAL CAMPUSES 213 SECTION 430 NIGHTCLUBS 214 SECTION 431 ACCESSORY DRIVE-THRU/PICK-UP 214 SECTION 432 NURSING, REST, OR RETIREMENT HOMES 215 SECTION 433 OFF-STREET OFF-SITE PARKING LOTS FOR NEARBY LAND USES 215 SECTION 434 OFF-TRACK BETTING PARLORS 216 SECTION 435 PUBLIC UTILITY STRUCTURE TYPE 2 217

iv

Silver Spring Township TABLE OF CONTENTS Zoning Ordinance

SECTION 436 PRIVATE CLUBHOUSES 217 SECTION 437 PUBLIC AND PRIVATE SCHOOLS 217

SECTION 438 QUARRY-RELATED MANUFACTURING, MIXING AND PROCESSING FOR SALE OF ASPHALTIC OR BITUMINOUS PRODUCTS 218

SECTION 439 RECYCLING FACILITIES FOR PAPER, PLASTIC, GLASS, AND METAL PRODUCTS 220

SECTION 440 SALES, STORAGE AND/OR WHOLESALING OF THE FOLLOWING: HOME AND AUTO-RELATED FUELS; NURSERY AND GARDEN MATERIALS, AND STOCK; CONTRACTOR SUPPLIES; AND, PLUMBING, HEATING, AIR CONDITIONING, ELECTRICAL, AND OTHER STRUCTURAL COMPONENTS OF BUILDINGS. 220

SECTION 441 SHOOTING RANGES 221 SECTION 442 SHOPPING CENTERS 222 SECTION 443 RESERVED 222

SECTION 444 SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS 222

SECTION 445 TRUCK TERMINALS 224 SECTION 446 TRUCK STOPS 224 SECTION 447 ALL OTHER USES 225 SECTION 448 WIRELESS COMMUNICATION FACILITIES 225 SECTION 449 WIND ENERGY CONVERSION SYSTEM 241 SECTION 450 BREW PUB 243 SECTION 451 TASTING ROOM 243 SECTION 452 ALCOHOLIC BEVERAGE PRODUCTION 244

ARTICLE 5: SIGNS 244 SECTION 500 GENERAL INTENT 244 SECTION 501 GENERAL REGULATIONS FOR ALL SIGNS 245 SECTION 502 SPECIFIC SIGN REQUIREMENTS 247 SECTION 503 SIGN ALLOCATION 248

503.1 Conservation Zone (C) 248 503.2 Agriculture Zone (A) 249 503.3 Rural Residential Zone (R) 250 503.4 Residential Estate Zone (RE) 251 503.5 R-1 Residential Zone (R-1) 252 503.6 High Density Residential Zone (R-2) 253 503.7 Village Residential Zone (R-3) 254 503.8 Neighborhood Commercial Zone (C-1) 255 503.9 Community Commercial Zone (C-2) 256 503.10 Highway Commercial Zone (C-3) 257

v

TABLE OF CONTENT Silver Spring Township Zoning Ordinance

503.11 Professional Office Zone (O) 258 503.12 Light Industrial Zone (I-1) 259 503.13 General Industrial Zone (I-2) 260 503.14 Quarry Zone (Q) 261 503.15 Interchange Zones (INT-RG & INT-PC) 262 503.16 Village Overlay (VO) 263 503.17 Mixed Use A Zone (MUA) 263 503.18 Mixed Use B Zone (MUB) 263 503.19 Floodplain Zone (FP) 264 503.20 RESOURCE & LANDSCAPE MANAGEMENT OVERLAY (RLMO) 264

ARTICLE 6: NON-CONFORMITIES 265 SECTION 600 CONTINUATION 265 SECTION 601 ABANDONMENT 265 SECTION 602 EXTENSION OF A NON-CONFORMING USE OF LAND 265 SECTION 603 EXTENSION OR ALTERATION 265 SECTION 604 SUBSTITUTION OR REPLACEMENT 266 SECTION 605 RESTORATION 266

SECTION 606 PREVIOUSLY EXPANDED NON-CONFORMING USES AND STRUCTURES 266

SECTION 607 NON-CONFORMING LOTS 267 **ARTICLE 7: ZONING HEARING BOARD 268** SECTION 700 ESTABLISHMENT AND MEMBERSHIP 268 SECTION 701 ORGANIZATION OF BOARD 268 SECTION 702 EXPENDITURES FOR SERVICES 269 SECTION 703 HEARINGS 269 SECTION 704 BOARD'S FUNCTIONS 271 SECTION 705 PARTIES APPELLANT BEFORE THE BOARD 275 SECTION 706 TIME LIMITATIONS 276 SECTION 707 STAY OF PROCEEDING 276 SECTION 708 APPEAL 276 **ARTICLE 8: ADMINISTRATION 277** SECTION 800 ADMINISTRATION AND ENFORCEMENT 277 SECTION 801 PERMITS 279 SECTION 802 FEES 284 SECTION 803 AMENDMENTS 284 SECTION 804 CONDITIONAL USES 289

vi

Silver Spring Township TABLE OF CONTENTS Zoning Ordinance

SECTION 805 SAVINGS PROVISION FOR MATTERS IN PROCESS 292
SECTION 806 REPEALS AND INCONSISTENCIES 292 SECTION 807
EFFECTIVE DATE 292

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

ARTICLE 1: BACKGROUND PROVISIONS

SECTION 100 SHORT TITLE

This Ordinance shall be known and may be cited as the “Silver Spring Township Zoning Ordinance of 2021.”

SECTION 101 PURPOSE

This Ordinance is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 102 SCOPE

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Ordinance. Any lawfully existing use, building, or land not in conformity with the regulations on the effective date of this Ordinance herein prescribed shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to non conforming buildings, structures, or uses.

SECTION 103 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

SECTION 104 CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued thereunder, except as provided, and only to the extent permitted by Section 508(4) of the Municipalities Planning Code. Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this Ordinance shall control.

PUBLIC REVIEW DRAFT - February 2022 1

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

Furthermore, except as provided in Sections 207.B. and 400 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation, which imposes the greater restriction, shall apply.

SECTION 105 VALIDITY

Except as noted in Section 207.C. of this Ordinance, should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

SECTION 106 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety, and welfare of the neighborhood.

SECTION 107 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Silver Spring Township is hereby divided into zones and overlays, which shall be designated as follows:

- Conservation (C)
- Agriculture (A)
- Rural Residential (R)
- Residential Estate (RE) Residential (R-1)
- High Density Residential (R-2) Village Residential (R-3) Village Overlay (VO)
- Light Industrial (I-1)
 - Mixed Use A
 - Mixed Use B
 - General Industrial (I-2)
- Quarry (Q)
- Neighborhood
- Commercial (C-1)
- Office Professional (O)
- Interchange Planned Commerce (INT-PC)
 - Interchange Regional Gateway (INT-RG)
- Community Commercial (C-2) Floodplain Overlay (FP) Highway Commercial (C-3) Resource & Landscape Management Overlay (RLMO)



SECTION 108 ZONING MAP AND VEHICULAR ACCESS MAP

The areas within Silver Spring Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, the Vehicular Access Map depicting vehicular control points and feeder roads is also declared to be a part of this Ordinance.

2 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

SECTION 109 ZONE BOUNDARY LINES

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

SECTION 110 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Silver Spring Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 101 above. The Ordinance is enacted with regard to the community development objectives listed in the Silver Spring Township Comprehensive Plan.

SECTION 111 DEFINITIONS

1. **WORD USAGE** - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
2. **LANGUAGE INTERPRETATION** - In this Ordinance, when not inconsistent with the context:
 - A. Words in the present tense also imply the future tense.
 - B. The singular includes the plural.
 - C. The male gender includes the female gender.
 - D. The word “person” includes an individual, incorporator’s association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 - E. The term “shall” or “must” is always mandatory.
3. **SPECIFIC WORDS AND PHRASES** - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public right-of-way street and a single tract of land containing any use other than one single-family dwelling unit or farm.

ACCESSORY APARTMENT - A detached dwelling unit with direct means of egress that is (1) contained upon the same lot as an owner-occupied single-family detached dwelling and (2) is contained within the principal dwelling building or

occupies a portion of one of its accessory buildings. All accessory apartments shall have direct separate means of entrance/exit.

PUBLIC REVIEW DRAFT - February 2022 3

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

ACCESSORY DRIVE-THRU/PICK-UP - Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service, or obtain a product in a motor vehicle on the premises. This accessory use also includes any portion of a restaurant in which the area designated for carry-out service exceeds five percent (5%) of the total patron seating area or eighty (80) square feet (whichever is greater).

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACREAGE, GROSS - The total land area contained within a property or proposed site.

ACREAGE, NET - The land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way, or as further specified by provisions within this Ordinance.

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

ADULT-RELATED FACILITIES - A business or club, which engages in one or more of the following areas of sales, services, or entertainment:

1. **Adult Bath House:** An establishment or business, which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity, occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.
2. **Adult Body Painting Studio:** Any establishment or business, which provides the service of applying paint or other substance whether transparent or non-transparent to or on the human body when specified anatomical areas, are exposed.

3. **Adult Bookstore:** Any establishment, which has more than fifty percent (50%) of its stock in trade consisting of:
 - A. Books, films, videotapes, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices, or paraphernalia (excluding prophylactics) which are designed for use in connection with specified sexual activities.
4. **Adult Cabaret:** A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. **Adult Massage Establishment:** Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club,

4 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

6. **Adult Mini-Motion Picture Theater:** An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. **Adult Model Studio:** Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

8. **Adult Motel:** A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. **Adult Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. **Adult Motion Picture Theater:** An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. **Adult News Rack:** Any coin-operated machine or device, which dispenses material substantially, devoted to the depiction of specified sexual activities or specified anatomical areas.
12. **Adult Out-Call Service Activity:** Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. **Adult Sexual Encounter Center:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. **Adult Theater:** A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized

PUBLIC REVIEW DRAFT - February 2022 5

**ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND
PROVISIONS**

by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

AGRICULTURE - The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, vitaculture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program; or as otherwise defined by the Pennsylvania Department of Agriculture and/or the United States Department of Agriculture.

AGRICULTURAL MARKETING ENTERPRISE - An accessory use to an agricultural operation for the purpose of directly marketing agricultural products produced by the agricultural operation in their natural or manufactured state. The term shall include any on-farm processing, packaging or other activity performed in the course of direct marketing of the farmer's agricultural products. Examples include but are not limited to farm stands, creameries, pick-your-own operations, community supported agriculture (CSA), Christmas tree farm, etc.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

AGRITOURISM - An accessory use to an agriculture/agricultural operation at which activities are offered to the public or to invited groups for the purpose of recreation, entertainment, education or active involvement in the agricultural operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. These activities may include a fee for participants. Examples include but are not limited to hayrides, corn mazes, farm tours, rodeo, educational exhibits, agriculturally related events, recreation related tours and activities, etc.

AIRPORT - Any area of land or water designated, set aside, used, or intended for use, for the landing and take off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities,

rights-of-ways, or approach zones, together with all airport buildings and facilities located thereon.

ALCOHOLIC BEVERAGE PRODUCTION - An establishment which produces alcoholic beverage for on- site or off-site sale and distribution, and which may include a brew pub and tasting room on the premise, or as otherwise defined as “Manufacturer” by Chapter 47, the Pennsylvania Liquor Code, as amended. Beverage production may exceed 5,000 barrels of brewed and malt beverages; 100,000 gallons of distilled liquor; or

6 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

200,000 gallons of fermented beverages per year, unless otherwise Regulated by the Pennsylvania Liquor Control Board.

ALL OTHER NON-RESIDENTIAL USES - Any nonresidential use not specifically stated within this ordinance.

ALL OTHER RESIDENTIAL USES - Any residential use not specifically stated within this ordinance.

ALLEY - A strip of land over which there is a private right-of-way intended to provide vehicular access to the side and/or rear of properties with frontage on a public street. An alley is not intended for general traffic circulation.

ALTERATIONS - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building, which would change its use, location, and/or size.

AMBULATORY SURGICAL FACILITY - A facility, or portion thereof, not located upon the premises of a hospital, which provides specialty or multispecialty outpatient surgical treatment to patients who do not require hospitalization, but who require constant medical supervision following the surgical procedure performed.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL EQUIVALENT UNIT (AEU) - 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individuals comprising the unit. Animal weights shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

ANTENNA - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities defined below. An Antenna shall not include private residence-mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

ATTIC - That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE DETAILING SALON - An establishment primarily engaged in the process of detailed cleaning, enhancing or protecting the interior spaces or exterior surfaces of passenger vehicles by technicians, but not including car washes per se, or vehicle sales, storage, fueling or major mechanical or body service,

PUBLIC REVIEW DRAFT - February 2022 7

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

repair or reconstruction as defined or regulated elsewhere in this chapter. Auto detailing salons primarily operate on a membership-based service or appointment scheduling system.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely enclosed building.

AUTOMOBILE SALES STORAGE FACILITY - A parking lot as a principal use associated with offsite automobile sales, which is used for the storage of passenger vehicle inventory for retail sales.

AUTOMOBILE SERVICE AND REPAIR STATION - The retail repair, servicing, maintenance, and reconstruction of passenger vehicles but not including car washes per se.

BANK - See “Financial Institution.”

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BED AND BREAKFAST - A single-family detached dwelling, where between one (1) and twelve (12) rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - An accessory use permitted in any Zone, in which bees are raised and/or kept in compliance with the provisions found in Section 301.12 of this Ordinance.

BILLBOARD - A sign upon which images and/or messages of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services, or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

BOARD - The Zoning Hearing Board of Silver Spring Township.

BOARDING HOUSE - A detached building arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

BREW PUB – A restaurant-style establishment which holds a license to produce alcoholic beverages as regulated by the Pennsylvania Liquor Control Board and sells twenty-five (25) percent or more of its beverage produced to on-site customers. The on-site manufacture of alcohol beverages shall be limited to no greater than 5,000 barrels of brewed and malt beverages; 100,000 gallons of distilled liquor; or 200,000 gallons of fermented beverages per year, unless otherwise regulated by the Pennsylvania Liquor Control Board.

8 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

BUILDING - Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person,

animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of the Floodplain Zone, the word “building” shall include gas or liquid storage tanks.

1. Detached: A building which has no party wall.
2. Semi-detached: A building, which has only one party wall in common.
3. Attached: A building, which has two or more party walls in common.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered patio, decks, awnings, terraces, and steps.

BUILDING AREA, HABITABLE – The space within a building intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

BUILDING SETBACK LINE - The actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes any structure above grade, except steps.

BUS, BOAT, RELATED COMMERCIAL VEHICLE SERVICE AND REPAIR FACILITY - The act of conducting support of mechanical alteration and maintenance on commercial scale vehicles.

CAFE - An exterior seating area associated with a restaurant or tavern, which is under constant supervision by an employee of the business.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITES - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CAR WASH - A principal or accessory use whereby structures equipped with apparatuses for the washing, waxing and/or vacuuming of vehicles are provided.

1. **Automatic Car Wash:** A self-serve car wash in which the vehicle enters a washing bay and is cleaned by solely a mechanized process.
2. **Full-Service Car Wash:** A car wash in which attendants are responsible for some portion of the washing process.
3. **Self-Service Car Wash:** A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle’s occupants using available equipment and cleansers.

CARPORT - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by

columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY - The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks, or swales.

PUBLIC REVIEW DRAFT - February 2022 9

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area, nor as a story of permissible building height.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by the Zoning Officer, setting forth that a building, structure, or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

CHANNEL - A natural or artificial watercourse with a definite bed and banks, which confine and conduct continuously or periodically flowing water.

COLLOCATION - The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining with the express purpose and intent of selling the product.

COMMERCIAL LIVESTOCK OPERATION - (Also referenced as Concentrated Animal Operation [CAO] by PA Dept. of Agriculture) - An agricultural use involving the keeping and handling of livestock and/or poultry quantities more than 8 total animal equivalent units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application.

COMMERCIAL STOCKYARDS OR FEEDLOTS - (Also referenced as Concentrated Animal Feeding Operations [CAFO]) - An agricultural operation where certain large quantities of livestock or poultry are housed inside buildings or in confined feedlots. Classified as an operation with more than 1,000 AEUs or a CAO with more than 300 AEUs.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses, shooting ranges, amusement arcades, nor off-track betting parlors, as defined herein.

COMMERCIAL TRUCK - A vehicle that exceeds a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.

COMMERCIALLY REASONABLE - Means terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a fifty (50) mile radius of the Township.

COMMUNITY GARDEN - Land managed and maintained by a public or nonprofit organization, or a group of individuals, to grow and harvest food crops and/or ornamental plants for use by a group, individuals cultivating the land and their households for donation. Community Gardens may be divided into separate plots for cultivation by individuals or used collectively by members of a group. A Community Garden may be a principal or accessory use of a site.

10 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

COMMON FACILITIES - Services or utilities such as, but not limited to, water and sewer service within a development site designed, constructed, and maintained primarily for the use of residents of the development.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, Silver Spring Township, Cumberland County, PA, including any amendments.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) - A farm where certain large quantities of livestock or poultry are housed inside buildings or in confined feedlots. Classified as an operation with more than 1,000 AEUs or a CAO with more than 300 AEUs. (Defined by PA Dept. of Agriculture; See also Commercial Stockyards or Feedlots)

CONCENTRATED ANIMAL OPERATIONS (CAO) - A livestock or poultry farming operation that has more than 8 total animal equivalent units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application. (Defined by PA Dept. of Environmental Protection; See also Commercial Livestock Operation)

CONCRETE BATCHING PLANT - A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incidental to such manufacturing and mixing.

CONDITIONAL USE - A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 804 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVANCY LOT - A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required Greenway land in a Resource and Landscape Management Overlay development.

CONSERVATION AREA, PRIMARY - Lands containing 100-year floodplain (including the floodway), wetlands, and prohibitive steep slopes (above 25 percent). In Resource and Landscape Management Overlay developments, all lands containing primary resources are called Primary Conservation Areas.

CONSERVATION AREA, SECONDARY - Lands containing natural or cultural features outside Primary Conservation Areas that are worthy of conservation by inclusion in Greenway land. See a prioritized list of such features in Section 618.03.01 of the Subdivision and Land Development Ordinance.

CONSERVATION PLAN - A plan including a map(s) and narrative that identifies conservation practices and includes site specific best management practices for agricultural plowing or tilling activities and animal heavy use areas, and at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONVENIENCE STORE - A retail sales business, which specializes in providing household products and foods. Convenience stores may also provide for any or all of the following as an accessory use:

1. The rental of video tapes provided that an adult bookstore is specifically prohibited;

PUBLIC REVIEW DRAFT - February 2022 11

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

2. The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided; and
3. The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).
 4. Convenience stores shall not include the dispensing of gasoline or other vehicle fuels unless the appropriate approvals for an automobile filling station (as defined herein) have been obtained.

CONVENTION CENTER - A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions, and other similar functions.

CONVERSION APARTMENTS - The adaptation of one single-family detached dwelling to two (2) or more dwelling units.

CREMATORIUM - A location containing properly installed, certified apparatus intended for use in the act of cremation.

CUL-DE-SAC - A dead-end street equipped with a circular vehicle turnaround at its terminus.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

1. **Day-Care, Accessory:** A day-care facility that is operated as an accessory use to a dwelling unit, whereby care and supervision is offered to no more than three (3) non-residents of the site during any calendar day. These facilities are permitted by right in every zone.
2. **Day-Care, Family:** A day-care facility that is operated as an accessory use to a dwelling unit, in which the care and supervision is offered to between four (4) and six (6) non-residents of the site during any calendar day. Family day-care facilities must be registered by the Department of Public Welfare of the Commonwealth of Pennsylvania.
3. **Day-Care, Commercial:** A day-care facility that offers care and supervision to more than six (6) non adult, non-residents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day-care be considered an accessory use to one dwelling unit. Commercial day-care facilities shall include "group child day-care homes" and "child day-care centers," as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day-care centers must obtain a valid certificate of compliance from the Department of Public Welfare of the Commonwealth of Pennsylvania, prior to operation.

4. **Older Adult Daily Living Services** - A premises, operated in conformance with the requirements of Title 6 Chapter 11 of the Pennsylvania Code as amended, for profit or not-for-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day.

12 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

DBH (DIAMETER AT BREAST HEIGHT) - The diameter of a tree trunk measured 4.5 feet above the ground at the base of the tree. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split. The term applies to trees in the field (not nursery stock).

DENSITY - A term used to express the allowable number of dwelling units divided by the gross acreage of a total project area. The term density, when not qualified by *net* or *adjusted tract area*, shall be synonymous with the term *gross density*.

DENSITY, NET - The number of dwelling units permitted divided by net acreage or the area of a project area actually in use or proposed to be used for residential purposes.

DESIGNATED CONTROL POINTS - Locations approved for street and/or access drive connections with the Carlisle Pike.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

DEVELOPMENTAL DISABILITY - A disability of a person, which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy, autism, injury, and/or trauma.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.

3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition. **DEVELOPMENTALLY DISABLED PERSON** - A person with a developmental disability.

DISTRIBUTED ANTENNA SYSTEM (DAS) - Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION - A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

DOMESTIC PETS - Non-farm animals that are locally available for purchase as pets, as an accessory use to a dwelling unit.

DRIVE-THRU – See the definition for ACCESSORY DRIVE-THRU/PICK-UP.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted

PUBLIC REVIEW DRAFT - February 2022 13

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.



FIGURE 1

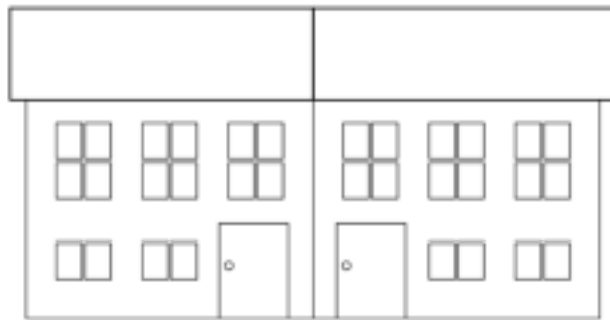


FIGURE 2

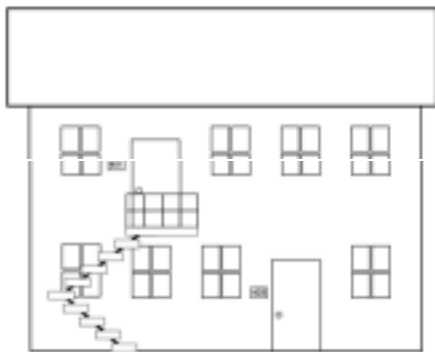


FIGURE 3



FIGURE 4



FIGURE 5

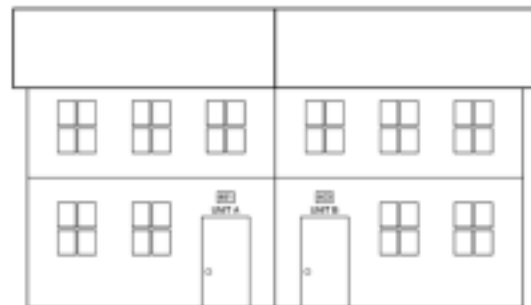


FIGURE 6

1. **Single-Family Detached (SFD):** A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and one (1) side and rear yards. Mobile homes can be considered single family detached dwellings if, in addition to the requirements listed for all dwellings, they comply with paragraph 6, as follows. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

2. **Duplex (Two-family; single-family semi-detached):** A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard. (Figures 2 and 3)
3. **Multiple Family:** A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
4. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls. (Figure 5)
5. **Quadraplex:** One detached building that contains four separate dwelling units, all of which share one or two points of exterior access. Within the Village Overlay Zone, all quadruplexes must be designed to resemble one single-family detached dwelling. (Figure 6)
6. **Mobile Home:** For the purposes of this Ordinance, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings, and the following:
 - A. All apparatuses used to tow or transport the mobile home (including, but not limited to, the towing hitch) shall be removed; and,
 - B. All mobile homes and additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top or frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]), as amended for Mobile Homes in Hurricane Zones or other appropriate standards, such as the following:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length; and,
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

PUBLIC REVIEW DRAFT - February 2022 15

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

ECHO HOUSING - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

ELIGIBLE FACILITIES REQUEST - An application for modification of an existing wireless communications facility or base station that involves 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment.

EMERGENCY - A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

EVENT CENTER - A location which is frequently rented out or reserved for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled.

FAMILY - An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common and live within one dwelling unit may be considered a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM - Unless otherwise defined by criteria of the Pennsylvania Department of Agriculture. Any parcel of land with ten (10) or more acres, or capable of generating \$2,000 in annual gross income from agriculture production, which is used in the raising of agricultural products, including, but not limited to, trees, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARMERS MARKET - A retail sales use operated by a governmental agency, a nonprofit organization, or more than one Producer that primarily sells Farm Products and Value-added Farm Products directly to consumers. Farmers' Markets can include indoor and outdoor display and sales.

FARM OCCUPATION - An accessory use to an agricultural operation at which goods and services are rendered in support of local agricultural operations or to supplement on-farm income. Examples include but are not limited to tractor repair services, custom cabinetry, welding shop, internet-based business, auctions, repair services, catering, home occupations, traditional trade businesses, etc.

FARM PRODUCTS – Items sold at a Farmers' Market from a Producer. Farm Products shall include but are not limited to agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and seafood.

FARM-RELATED BUSINESS - A principal use that may, or may not, be located upon a farm, at which goods and services are rendered in support of local farming operations.

FARM STAND - A structure for the display and sale of products grown on the property upon which the stand is located.

FARM USE - The use of land and structures for one or more of the following: the tilling of the land, the raising of crops, fruits and vegetables, and the raising and keeping of livestock and poultry; horticultural uses related

16 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

to the raising, propagating and selling of trees, shrubs, flowers, and other plant materials; forestry uses related to the harvesting of lumber products.

FCC - Federal Communications Commission.

FEEDER ROAD - A roadway that directly connects to the Carlisle Pike.

FENCE - A structure designed as a barrier to restrict the movement or view of persons, animals, property, and/or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half the width and/or depth of the front yard.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FIREWOOD - The hard, fibrous substance from trees, which is used as fuel.

FLEA MARKET - The offering for sale of merchandise or goods to the general public by two or more vendors, at least one of whom is not the owner of the property on which the offering is made. Excluded from the definition of "flea market" are establishments conducting business throughout the year that are recognized by the zoning laws of Silver Spring Township as retail store or shop and located within a zoning district that permits retail store or shop uses.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse, which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOF - Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to property, structures, and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROUND - The sum of the horizontal areas of the ground floor of a building measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, GROSS - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

PUBLIC REVIEW DRAFT - February 2022 17

**ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND
PROVISIONS**

FLOOR AREA, GROSS LEASABLE - The total floor area designed for occupancy by an owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FORESTRY - The management of forest and timberlands when practiced in accordance with sound forest management practices through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any existing, proposed, or future land development.

FRONT BUILD-TO-LINE - An area establishing the required location for all, or a portion of a building's front facade, as measured from the street line.

FRONT FACADE - The plane of the facade of the building closest to the street right-of-way, excluding stoops, porticos, open colonnades, and open porches.

FRONTAGE - The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway.

FUNERAL HOME - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematorium.

GARAGE, FRONT-LOADED - A garage having its vehicular entry door facing the street.

GARAGE, PRIVATE - An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation, or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GARAGE, REAR LOADED - A garage having its vehicular entry door

facing an alley or rear lane. **GARAGE, SIDE LOADED** - A garage

having its vehicular entry door facing the side yard. **GOLF COURSE** -

A golf course with a minimum of 2,800 yards of play in nine (9) holes.

GREEN, COMMON - An area of Greenway land, surrounded by streets on at least 2 and often 3 or 4 sides, around which dwellings are organized.

GREENWAY LAND - A parcel or parcels of land and/or water, within the Resource and Landscape Management Overlay or Village Overlay Zone, set aside for the protection of natural and cultural resources. Greenway land consists of Primary and Secondary Conservation Areas and is permanently restricted against further development. The terms “Greenway” and “Greenway land” are synonymous.

18 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

GROUP HOME - A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single-family dwellings.

HAZARDOUS MATERIAL - Materials which have the potential to damage health, endanger human life or impair safety, or as otherwise defined and regulated by the PADEP and/or EPA.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed to, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the

storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND FITNESS CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEALTH CARE CAMPUS – The grouping of facilities and supportive buildings where professional health care services are provided for in-patient and/or out-patient needs.

HEAVY EQUIPMENT - Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, Class II recreation vehicles (as defined herein), boat/yachts, industrial machinery, etc.

HEAVY EQUIPMENT SALE, SERVICE AND REPAIR - The act of conducting sales and/or support of mechanical alteration and maintenance on vehicles classified as heavy equipment by the Commonwealth of Pennsylvania and not otherwise defined by this Ordinance.

HEAVY INDUSTRIAL - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of “Manufacturing.”

PUBLIC REVIEW DRAFT - February 2022 19

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

HEIGHT, BUILDING - A building’s vertical measurement from the lowest ground level at any point along the exterior of the building to the absolute highest point of the roof.

HEIGHT, STRUCTURE - A structure’s vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HISTORIC APARTMENT CONVERSION - The conversion of an historic structure into two or more dwelling units.

HISTORIC OFFICE CONVERSION - The conversion of an historic structure into one or more offices. **HISTORIC RESTAURANT**

CONVERSION - The conversion of an historic structure into a restaurant.

HISTORIC STRUCTURE - A structure that is on the National Register of Historic Places, or recognized by the Pennsylvania Historical Museum Commission, the Cumberland County Historical Society, or any Township appointed body created for such purposes, as being historically significant.

HISTORIC STRUCTURE CONVERSION - The conversion of an historic structure into one or more uses.

HOME OCCUPATION - A business or commercial activity, conducted as an accessory use in a dwelling unit, that does not fulfill the criteria of a no-impact home based business as defined in this Zoning Ordinance.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owners' association.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL/MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

IMPERVIOUS SURFACE - Any areas not covered solely by vegetative or mulched surfaces, including but not limited to paving; concrete; vehicle parking areas; driveways; stone, crushed gravel, or similar surfaces; decks and patios; constructed "pervious" surfaces such as but not limited to pavers, pervious concrete, and pervious asphalt; or any other manmade surfaces that aren't solely comprised of vegetation

20 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

and similar or related coverages. Artificial turf and similar synthetic vegetative surfaces shall not count as impervious coverage when constructed for recreational purposes and with proper subsurface infiltration media. (NOTE: a different definition may apply under other ordinances for the purposes of the items regulated by said ordinances)

IMPORTANT NATURAL AREAS - Lands containing habitat for flora or fauna identified in the Pennsylvania Natural Diversity Index (PNDI) or in a County natural areas inventory.

IMPORTANT NATURAL HABITAT - Any land area characterized by any or all of the following:

1. Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;
2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and,
3. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

INDOOR COMMERCIAL RECREATION – See Commercial Recreation Facility

INDOOR THEATER AND AUDITORIUM – See Commercial Recreation Facility

INVASIVE PLANT SPECIES - Predominantly non-native tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate that they out-compete many native plant species.

JOINT-USE DRIVEWAY - A common driveway that serves two to four adjoining dwellings within the Village Overlay Zone. Additionally, joint-use driveways can serve up to four adjoining residential lots.

JUNK - Used and/or discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junkyard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any establishment in or through which at least 26 animals (except relating to a farm) that are kept or transferred in a calendar year, or as otherwise defined by the Pennsylvania Dog Law, as amended.

LABORATORY FOR MEDICAL, SCIENTIFIC OR INDUSTRIAL RESEARCH AND DEVELOPMENT - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized

PUBLIC REVIEW DRAFT - February 2022 21

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LAUNDROMAT AND/OR DRY CLEANERS - A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

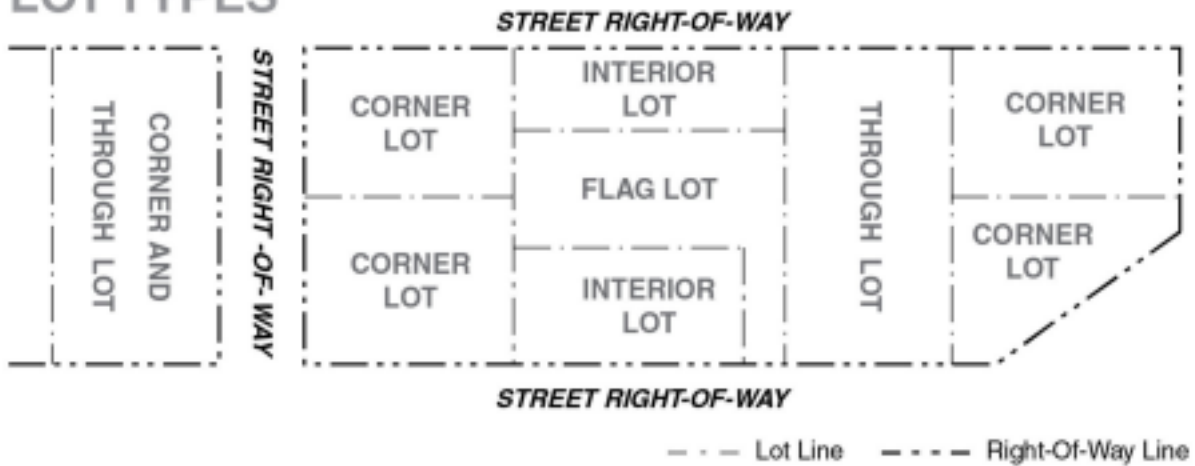
LIVESTOCK - Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or padlock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, sheep, goats, chickens, and fowl.

LIVESTOCK ENCLOSURE - A fenced-in area that presents an adequate blockade around a field, yard, or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from outside.

LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT - Any parcel or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement, or development. The word "lot" includes the word "plot", "parcel", or "tract". Contiguous non-conforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

LOT TYPES



1. **Lot, Corner:** A lot, which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards and two side yards.
2. **Lot, Flag:** A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.
3. **Lot, Interior:** A lot other than a corner lot, the sides of which do not abut a street.

22 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

4. **Lot, Through or Reverse Frontage:** An interior lot having frontage on two parallel or approximately parallel streets, with vehicular access solely from the street with lesser volume of traffic.
5. **Lot, Double Frontage -** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundary of the lot, and vehicular access provided to both streets.

LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement. Wetland areas may be required to be deleted from the minimum lot area under Section 300.10.

LOT COVERAGE - A percentage of the lot area, which may be covered with an impervious surface.

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage.

MACHINE SHOP - Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair shops; and overhaul shops.

MANUFACTURE - A function involving either the processing or production of materials, goods, or products.

MANUFACTURING - To manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding, or litter.

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and above-ground storage.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood, which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

MEDICAL MARIJUANA - Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016, as hereafter amended.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by licensed medical practitioners and related service providers for the purpose of providing non-emergency health services and/or urgent care to people on an outpatient basis. Medical or Dental Clinics shall not include facilities which provide outpatient surgical treatment to patients who do not require hospitalization, but who require constant medical supervision following the surgical procedure performed.

MEDICAL RESIDENTIAL CAMPUS - A principal use whereby a comprehensive medical and residential environment primarily serves retirement-aged persons and/or those possessing some ailment or disability. Medical residential campuses also offer a variety of residential dwelling types determined by the occupants' respective needs for some level of nursing and/or medical care.

MINI-STORAGE FACILITY - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MIXED-USE - An area or zone containing a variety of complementary uses.

MIXED-USE BUILDING - A building or structure that contains a combination of complementary and integrated uses such as residential and commercial/office/civic uses.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in the latest version of the Silver Spring Township Mobile Home and Mobile Home Park Ordinance. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there imposed. For the purposes of Section 218 (Floodplain Zone) of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a mobile home.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MORTUARY - A place for the storage of human bodies prior to their burial or cremation.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this section.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site

24 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. This is also meant to include an “under 21” club that features entertainment.

NO-IMPACT HOME BASED BUSINESS - A business or commercial activity which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

NON-COMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site. May involve the breeding, raising, caring for, housing, and principally the hobby (including agricultural clubs such as 4-H, FFA and the like); personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

NON-COMMERCIAL KEEPING OF CHICKENS - An accessory use to a principal detached single family dwelling that is not contained upon a farm, whereupon chickens are kept exclusively by the residents of the site.

NON-CONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

NON-CONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non conforming structures include, but are not limited to, non-conforming signs.

NON-CONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-CONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional non-conformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NON-PROFIT ANIMAL RESCUE - A governmental or non-profit private organization, duly registered as such pursuant to applicable federal or state law that provides temporary homes for stray, surrendered or abandoned dogs or cats.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – All non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

PUBLIC REVIEW DRAFT - February 2022 25

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve

manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products, which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OFF-TRACK BETTING PARLOR - A commercial use at which persons can visit to wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

OFF-STREET/OFF-SITE PARKING - A parking lot(s) serving as a principal use as permitted by this ordinance.

ON-LOT SEWER SERVICE - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of a safe, adequate, and healthful supply of water to a single principal use from a private well.

ONE HUNDRED (100) YEAR FLOOD - A flood which is likely to be equaled or exceeded once every one hundred (100) years [i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resources Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

ONE HUNDRED (100) YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years [i.e., that has a one percent (1%) chance of being flooded each year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resources Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

ONE HUNDRED (100) YEAR FLOOD ELEVATION - The water surface elevations of the one hundred (100) year flood.

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

OUTDOOR WOOD-FIRED BOILER OR FURNACE - A wood-fired boiler or furnace that is not located within a building or structure intended for habitation by humans or domestic animals.

PA DEP - Pennsylvania Department of Environmental Protection.

26 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

PACKAGING - The act of preparing the shipment of goods developed and/or manufactured by others for the purpose of sales and delivery.

PARKING COMPOUND - A primary retail sales business where passenger vehicles may be stored for short term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements listed in Section 603 of the SLDO.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PATIO - An open, unenclosed structure consisting only of a floor constructed at grade level. **PennDOT** - Pennsylvania Department of Transportation.

PERSONS - Individuals, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the Township or to any department or agency of the Township.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLACE OF WORSHIP AND OTHER RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed, or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day care facilities.

PLANNING COMMISSION - The Planning Commission of Silver Spring Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include “planned center signs” as regulated herein.

PORCH - A roofed, open or screened structure constructed above grade level and projecting from the front, side or rear wall of a building.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premises advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and

PUBLIC REVIEW DRAFT - February 2022 27

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.

2. Any land, which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land, which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIVATE CLUBHOUSE - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities nor off-track betting parlors, as defined herein.

PROCESSING - A function that involves only the cleaning, sorting, sizing, and/or packaging of products and materials.

PROCESSING OF FOOD PRODUCTS - The transformation of food products as developed and/or manufactured by others.

PROCESSING OF MINERALS - The transformation of minerals for use by others, sales and delivery.

PROFESSIONAL BIOLOGIST - An individual with at least a graduate degree in aquatic and/or terrestrial biology and/or ecology, and with a depth of knowledge in organisms and the processes of ecological systems.

PUBLIC - Unless otherwise referenced within this Ordinance, utility, and/or entity of and/or within the Commonwealth of Pennsylvania, an object, location or matter owned and/or operated by the Township, its authority, a Township-supported fire company, or a Township-supported ambulance association.

PUBLIC AND/OR NONPROFIT PARK AND PLAYGROUND - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a non-profit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, amusement arcades, off-track betting parlors and shooting ranges.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second

28 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception and/or variance requests shall also include the posting of a sign(s) at a location(s) upon the subject property to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITY STRUCTURE, TYPE 1 - A structure, building or appurtenant facility for the purpose of operating and maintaining public

utilities. Type 1 is limited to smaller-scale facilities such as electric substations, water towers/tanks/reservoirs, and other similar structures necessary for the regular daily distribution of public utilities, including gas, electric, steam, telephone, and similar service.

PUBLIC UTILITY STRUCTURE, TYPE 2 - A structure, building or appurtenant facility for the purpose of operating and maintaining public utilities. Type 2 is designated for larger-scale facilities, such as water pumping stations and/or treatment, sewage disposal pumping plants and/or treatment and power generation facilities, as well as facilities that support the emergency and/or supplemental distribution of public utilities.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC VOCATIONAL AND MECHANICAL TRADE SCHOOL - A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete education curriculum (e.g., beauty school, modeling school).

PUBLIC WATER - A municipal water supply system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

QUARRYING AND/OR MINING OF MINERALS - The process of removing or extracting stone, rock or similar materials from an open excavation for financial gain.

QUARRY-RELATED MANUFACTURING, MIXING AND PROCESSING - The extraction and/or combination of minerals found on-site. See also Processing of Minerals.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance that emits radiation spontaneously.

RECREATIONAL VEHICLE - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a “travel trailer”:

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewage; and,
5. The unit contains some identification by the manufacturer as a travel trailer.

RECYCLING FACILITY - An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one (1) foot. See also Township Stormwater Management Ordinance.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR - A function involved in correcting deficiencies of products that affect its performance and/or appearance.

RESTAURANT WITH ALCOHOL - An establishment that serves prepared food primarily on non disposable tableware but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition. A restaurant may include the sale of alcoholic beverages, given that such sales account for less than fifty percent (50%) of total trade.

RESTAURANT WITHOUT ALCOHOL - An establishment that serves prepared food primarily on non disposable tableware but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition. The sale of alcoholic beverages is prohibited.

RETAIL SALE OF GOODS AND SERVICES - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RIDING STABLE - A principal use whereby equestrian instruction is offered, and horses are kept, bred, trained, and/or exercised upon land not occupied by the owner of the horse(s).

RIGHT-OF-WAY or ROW - The surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility

30 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the Right(s)- of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO’s, and satellite microwave antennas.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

1. Commercial School: A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
2. Private School: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
3. Public School: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.

4. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
- A. Truck driving;
 - B. Engineer repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting; and,
 - H. Other similar trades, as determined by the Zoning Hearing Board pursuant to Section 107 and Section 704.E of this Ordinance.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight tight fences, and/or other similar type materials. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation, after both adjoining parcels are developed.

PUBLIC REVIEW DRAFT - February 2022 31

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

SEASONAL MERCHANDISE - Goods and products that are generally offered for retail sales to the public during specific periods of any calendar year. Examples include, but are not limited to, holiday decorations, nursery and garden stock, home and garden supplies and equipment, outdoor play and recreation equipment, etc.

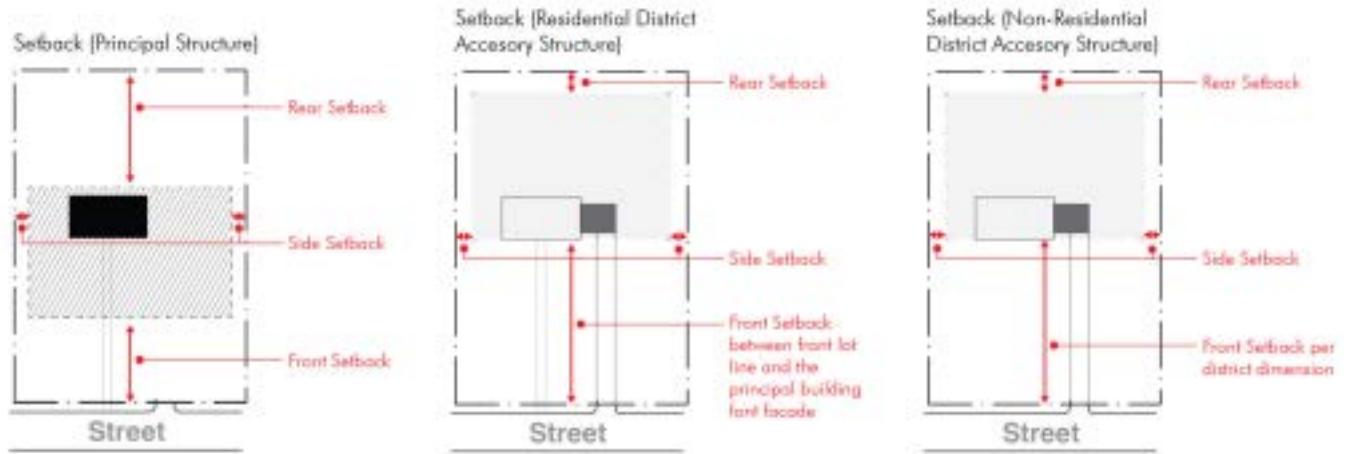
SEASONAL RESIDENCE - A dwelling, cabin, lodge, or summer house which is intended for occupancy less than one hundred eighty-two (182) days of the year.

SETBACK - The required horizontal distance between a setback line and a property or street right-of-way line.

1. Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly, called “required front yard.”

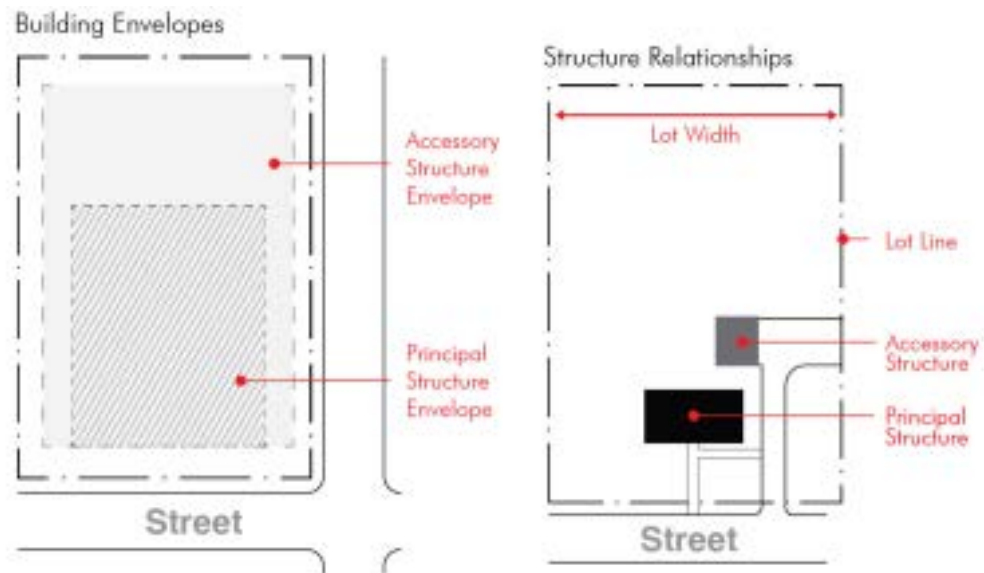
2. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”

3. Setback, Side: The distance between the side lot line and the side setback line projected from the required front yard to the required rear yard. Commonly called “required side yard.”



32 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS



SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SFD - Single-family detached dwelling.

SHADE TREE - A deciduous tree that shall have a clear trunk at least five (5) feet above the finished grade.

SHOOTING RANGE - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development and/or training. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A group of stores in excess of 40,000 square feet of gross leasable area, planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN - Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place and which directs attention to a product, service, place, activity, person, institution, business or solicitation, but not flags or other insignia of any government, fraternal or similar organization.

1. **Flat Wall Sign:** A sign that is displayed and/or mounted upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than twelve (12) inches from said wall.
2. **Freestanding Sign:** A sign erected upon a permanently affixed, independent structure (legs or base).
3. **Permanent Sign:** A sign that is expected to be continuously displayed during the presence of a principal land use.
4. **Sponsorship Sign:** A Temporary Sign, which includes the name of a private individual or business entity, including a logo, trademark, or service mark of the private individual or business entity, in

PUBLIC REVIEW DRAFT - February 2022 33

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

recognition of financial contributions made by the private individual or business entity in support of a Public School, Private School, or Vocational-Mechanical Trade School.

5. **Temporary Sign:** A sign that is only permitted for specified periods of time, associated with some temporary event or work, conducted on the site.
6. **Under Canopy Sign:** A sign that identifies one (1) leasable unit within a shopping center and is hung from an overhead canopy of the shopping center or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided.
7. **Wall Projecting Sign:** A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

SITE - See Lot.

SLAUGHTER, PROCESS, RENDER, AND PACKAGING OF FOOD PRODUCTS - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packaging, treating, storage or sale of the product on the premises.

SLDO - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

SMALL ENGINE REPAIR SHOP - A business primarily offering the repair of household-scale engines and related products purchased elsewhere.

SMALL WIRELESS COMMUNICATIONS FACILITY

(SMALL WCF) - A wireless communications facility that meets the following criteria:

1. The structure on which antenna facilities are mounted:

- A. Is 50 feet or less in height, or
- B. Is no more than 10 percent taller than other adjacent structures, or
- C. Is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and

2. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and

3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;

34 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

4. The facilities do not require antenna structure registration

under 47 CFR Part 17; 5. The facilities are not located on

Tribal lands, as defined under 36 CFR 800.16(x); and

6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

SOIL SURVEY - The latest published version of the USDA NRCS Web Soil Survey.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 704.C of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female

breast; or 5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or 6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

STABLE - See "Riding Stable."

STEALTH TECHNOLOGY - Camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STORAGE - A function involving the deposition of materials, goods, and/or products for safekeeping.

PUBLIC REVIEW DRAFT - February 2022 35

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

STORAGE AND STOCKPILING OF MINERALS - The process of holding and/or containing quarry-related minerals for the purposes of future use and/or sale.

STOREFRONT - The wall of a unit of occupancy, which faces the front yard within a planned center, as defined herein.

STORY - That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

STREET - A strip of land over which there is a public or private right-of-way intended to serve as a means of vehicular and/or pedestrian access to and frontage for abutting properties. This term shall also include avenue, boulevard, road, highway, freeway, lane, viaduct and any other customarily similar dedicated. Streets are further classified as follows:

ARTERIAL - a street which provides for inter-community travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets.

COLLECTOR - a street which (1) provides access to a residential land use with a density in excess of three (3) dwelling units per acre, an industrial land use, or a commercial land use and/or serves as the main entrance or circulation street in a sizable development.

CUL-DE-SAC - a street with a single common ingress and egress with a turnaround at the end.

LOCAL - a street which provides access to a residential land use with a density of three (3) or less units per acre or an institutional land use or not classified as either Arterial or Collector.

SERVICE DRIVE OR ALLEY - a minor right-of-way on which no property fronts, which provides the secondary means of access for two or more properties.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STRUCTURE - Any assembly of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including but not limited to buildings, sheds, cabins, mobile homes and trailers, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

1. **Structure, Accessory:** A structure associated with an accessory use, (e.g., swimming pools, patios, unenclosed decks, antennas, tennis courts, garages, utility shed, etc.). Farm structures not intended for habitation are considered to be accessory structures.
2. **Structure, Principal:** A structure associated with a primary use.

36 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

SUBSTANTIAL CHANGE or SUBSTANTIALLY CHANGE - A modification to an existing wireless communications facility substantially changes the physical dimensions of a tower or wireless support structure if it meets any of the following criteria:

1. For wireless communications facilities outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for wireless communications facilities in the rights-of-way, it increases the height of the facility by more than 10% or 10 feet, whichever is greater;
2. For communications towers outside the public rights-of-way, it protrudes from the edge of the tower by more than 20 feet, or more than the width of the tower structures at the level of the appurtenance, whichever is greater; for those wireless communications facilities in the public rights-of-way, it protrudes from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
4. It entails any excavation of deployment outside the current site of the communications tower; or
5. It does not comply with conditions associated with prior approval of construction or modification of the wireless communications facility unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TASTING ROOM - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, without kitchen facilities, where live entertainment (non-sexually oriented business or establishment) may also be provided, and where minors are not admitted unless accompanied by a parent

or guardian. The on-site manufacture of alcohol beverages shall be limited to no greater than 5,000 barrels of brewed and malt beverages; 100,000 gallons of distilled liquor; or 200,000 gallons of fermented beverages per year, unless otherwise regulated by the Pennsylvania Liquor Control Board.

PUBLIC REVIEW DRAFT - February 2022 37

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

TAVERN - An establishment in which the sale of alcoholic beverages accounts for greater than fifty percent (50%) of total trade and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment (see definition for “Nightclub”) shall be permitted.

TERMINAL VISTA - The scene terminating the view down a road or street, as at an intersection or on the outside of a curve.

TESTING - A function involving the examination and assessment of qualities, performances, and/or capabilities of a product, good or material.

TOWER - A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF) - A Tower and its supporting antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. Distributed antenna system hub facilities are considered to be Tower- Based WCFs.

TOWNSHIP - Silver Spring Township, Cumberland County, Pennsylvania.

TRACT AREA, ADJUSTED - The gross tract area minus Primary Conservation Areas as well as any portions of under conservation easement that are restricted from further development.

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

TRUCK STOP - A commercial use that primarily provides fuel and parking for tractor-trailer trucks, in addition to other vehicles, and which may also include vehicle repair, a retail store, restaurant, motel, showers and similar support facilities for travelers.

TRUCK TERMINAL - An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points of junctions.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UCC - The Pennsylvania State Uniform Construction Code as adopted in its latest version by the Commonwealth of Pennsylvania and amended by technical amendment by Silver Spring Township.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

1. **Use, Accessory:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
2. **Use, Principal:** The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

38 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

VALUE-ADDED FARM PRODUCT – A product processed by a Producer from a Farm Product, including but not limited to baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee and other beverages, smoked or canned meats or fish, sausages, or prepared foods.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Pennsylvania Municipalities Planning Code.

VEHICULAR CONTROL POINTS - Preapproved locations for vehicular access to properties fronting along the (1) Carlisle Pike and (2) New Willow Mill Road within the (INT-RG) Zone.

VETERINARY OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

WAREHOUSE - A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal.

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as “waste” by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency. For the purposes of this Ordinance, the difference between “waste” and “junk” or “recyclables” is that waste shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WECS UNIT (Wind Energy Conservation System) - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WELDING SHOP - A facility that provides the principal service of welding materials for use off-site.

WETLAND - Area with the characteristics of wetland, as defined by the U. S. Environmental Protection Agency, U. S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, and the U. S. Natural Resources Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

WHOLESALE TRADE ESTABLISHMENT - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

PUBLIC REVIEW DRAFT - February 2022 39

ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND PROVISIONS

WIND ENERGY CONVERSION SYSTEM - One or more wind turbines that are used to convert natural wind energy into electrical energy, and customary accessory structures and buildings, including substations, meteorological towers, electrical infrastructure and other appurtenant structures and facilities.

WIND TURBINE - A piece of machinery that converts natural wind energy into electricity through the use of a rotor, tower, and any transformer.

WINDOW - An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

WIRELESS - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) - The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating FCC-licensed mobile telephone wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) - Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

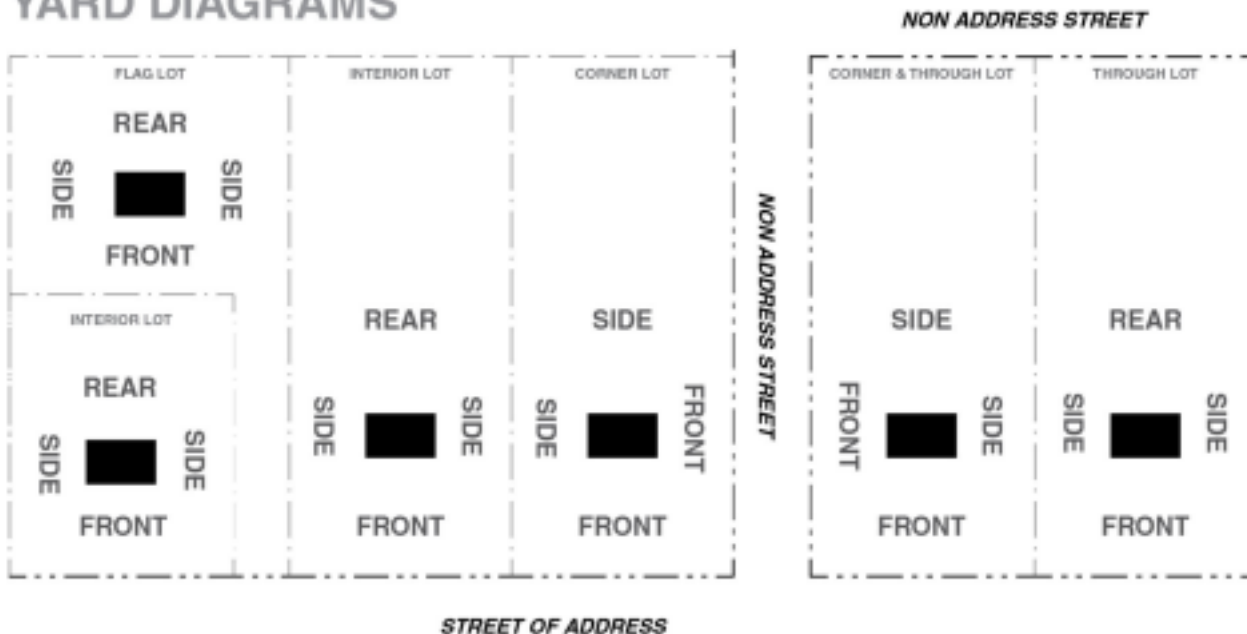
WORKFORCE HOUSING - Housing that is affordable for someone earning between 80% and 120% of the median household income in Cumberland County as determined by the latest Census data. These units shall not be segregated or clustered within a neighborhood or structure and, from the exterior, will provide no evidence that distinguishes them from market-rate units.

WORKFORCE HOUSING DEVELOPMENT AGREEMENT - A written agreement duly executed between the applicant for a development, the Township, and the designated third-party administrator of the workforce housing program.

YARD - An area between the permitted structures and the property lines.

40 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 1 BACKGROUND PROVISIONS

YARD DIAGRAMS



1. **Yard, Front:** The area contained between the street right-of-way line and the principal structure. For flag lots, see Section 705.04.7.b)2) of the Subdivision and Land Development Ordinance.
2. **Yard, Rear:** The area contained between the rear property line and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address. For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.
3. **Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.

ZONING - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

**ARTICLE 1 Silver Spring Zoning Ordinance BACKGROUND
PROVISIONS**

SECTION 112 PUBLIC USES

Public Uses as Permitted by Right in All Zoning Districts

1. The Board of Supervisors hereby recognizes the need to use and develop lands within this Township to accommodate and implement governmental functions and responsibilities of this municipality.
2. Notwithstanding anything to the contrary appearing elsewhere in this ordinance, land, buildings, or premises in all zoning districts may be used by right for the performance of any public function without regard to specific limitations or regulations pertaining to the zoning district in which such use may be located.
3. The public entity using the subject property shall provide and maintain a visual barrier or vegetative buffer between such municipal use and any contiguous residential zoning district, except where a natural or man-made barrier or buffer may already exist. The type and extent of barrier or buffer shall be determined by the Board of Supervisors after consultation with the Township Planning Commission.

42 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING REGULATIONS

ARTICLE 2: ZONE REGULATIONS

SECTION 200 CONSERVATION ZONE (C)

A. Purpose

This Zone seeks to protect large concentrations of environmentally sensitive features that also have significant value for passive and active recreational pursuits. Specifically, forested areas, steep slopes, stream and creek valleys, wetlands, and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas; however, some forms of development are allowed under prescribed criteria. The provisions of this Zone have been specifically formulated to satisfy Section 604. (1) of the Municipalities Planning Code, which requires local zoning ordinances to “promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.”

B. Permitted Uses

Additional Provisions

Permitted Uses

P
P
P
C
C
P
C
P
C

P
P
P
C
P
P
P
C
P
P
P

Reference

Accessory Apartment 301.20 Accessory Uses; customarily incidental to the principal use 301 Agriculture/Agricultural Operation
 Bed and Breakfast 406; 804 Campgrounds 410; 804 ECHO Housing 304.9 Family Day-Care Facility 416; 804 Forestry 304.19 Home Occupation 425; 804 Kennel 304.15 Non-Commercial Keeping of Livestock 301.17 Non-Profit Animal Rescue 304.15 Private Clubhouses 436; 804 Public and/or Non-Profit Activities Related to Preservation and Conservation of Natural and/or Historical Resources Public and/or Non-Profit Park and Playground
 Public Utility Structure Type 1 304.22 Shooting Range 441; 804 Single Family Detached-Dwelling

Riding Stable 304.15 Two-Family
Conversion 304.16

PUBLIC REVIEW DRAFT - February 2022 43

**ARTICLE 2 Silver Spring Zoning Ordinance ZONING
REGULATIONS**

Wireless Communication Facilities C 448; 804 P – Permitted Use By Right C – Conditional Use

C. Dimensional Requirements

SINGLE
SINGLE
FAMILY
DWELLINGS IF >50% OF SITE
POSSESSES

AGRICULTURAL /OTHER USES
PARKS AND PLAYGROUNDS

FAMILY
DWELLINGS

>15% SLOPE; OTHER

MIN. LOT SIZE MIN. LOT WIDTH
5,400 sf 1 acre 2 acres

at Building Setback Line 60 ft 150 ft 150 ft

MAX. BUILDING HEIGHT

Principal Structure 35 ft 35 ft 35 ft

Accessory Structure 15 ft 15 ft 15 ft

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·
·

MAX. LOT COVERAGE

Impervious Surface 40% 10% 7%

MIN. SETBACK Principal

Front, on Local/ Collector Street 40 ft 50 ft 50 ft

Front, on Arterial Street 50 ft 50 ft 50 ft

Side 30 ft 30 ft 30 ft

Rear 50 ft 60 ft 60 ft Accessory

Front - * * Side - 15 ft 15 ft Rear - 15 ft 15 ft

*All accessory uses for single family dwellings shall be located behind the front façade of the principal structure.

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.
2. Maximum number of permitted dwellings or lots.

44 PUBLIC REVIEW DRAFT - February 2022

Silver Spring Zoning Ordinance ARTICLE 2 ZONING REGULATIONS

- a. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this chapter, there may be one lot subdivided or one principal residence constructed for either a single-family detached nonfarm or farm dwelling, according to the following schedule:

**Lot Area
(acres)**

At Least Total Number of Permitted Lots/Dwellings*

Less Than
10
20
30
40
50
60
70
80
90
100
110
120
130
140
150
160
170
180
190

20 4
30 5
40 6
50 7
60 8
70 9
80 10
90 11
100 12
110 13
120 14
130 15
140 16
150 17
160 18
170 19
180 20
190 200 21

b. For parent tracts great than 15 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 219, Resource & Landscape Management Overlay.

3. Woodland Preservation Requirements – Only those areas necessary for the construction of buildings or structures, for which a building permit has been issued, shall be cleared of existing woodland.

a. “Woodland” shall be defined as an area that is predominantly covered by the canopies of trees and which includes at least one tree of at least 6 inches in diameter for every 2,000 square feet of lot area.

PUBLIC REVIEW DRAFT - February 2022 45

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

b. See Section 402.03.6 of the Subdivision and Land Development Ordinance, as amended, including provisions for tree protection provisions during construction and identification of areas of woodland to be removed.

c. See also the forestry regulations of this Ordinance, which apply when trees are removed for commercial forestry that is unrelated to any construction or land development.

d. When a building or zoning permit is issued for a building, structure or principal use, removal of trees shall be allowed that are located in the following areas:

- 1) on land to be occupied by such building, structure or use,
- 2) within 30 feet of a building or principal use,
- 3) on land to be occupied by or within 15 feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system or permitted accessory uses; or
- 4) in any location where the removal of a tree is required under a Township code requirement.

e. If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Board of Supervisors may require conservation easements to be put into effect by the subdivider to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The enforcement mechanism for such easement shall be approved by the Board of Supervisors. The Board of Supervisors may require that the easement be enforceable by the Township and/or by any adjoining property owner.

4. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

C
C
P
P
C
P
P
P
C
P
P
P
P

Reference

Accessory Apartment 301.20 Accessory Uses; customarily incidental to the principal use;
including agritourism and agricultural marketing enterprises 301, 301.15,
301.16 Agriculture/Agriculture Operation
Airports//Heliports 403; 804 Bed and Breakfast 406;
804 Campgrounds 410; 804 Commercial Livestock Operation 412;
804 Commercial Stockyard and/or Feedlots 413; 804 ECHO
Housing 304.9
Event Center 409; 804 Family Day-Care Facility 416; 804 Farm-
Related Business
Forestry 304.19 Home Occupation 425; 804 Kennel 304.15 Non-
commercial Keeping of Livestock 301.17 Non-Profit Animal
Rescue 304.15 Private Clubhouses 436; 804 Public and/or Non-
Profit Activities Related to Preservation and
Conservation of Natural and/or Historical Resources
Public and/or Non-Profit Park and Playground
Public Utility Structure Type 1 304.22 Riding Stable 304.15

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

Shooting Range C 441; 804

Single Family Detached-Dwelling

P
P
C

Two-Family Conversion 304.16 Wireless Communication Facilities
448; 804 P – Permitted Use By Right C – Conditional Use

C. Dimensional Requirements

SINGLE FAMILY

AGRICULTURAL USES
DWELLINGS OTHER

MIN. LOT SIZE 10 acres** 1 acre 1 acre MIN. LOT WIDTH
at Building Setback Line 100 ft 100 ft 200 ft at Lot Frontage 60 ft - - MAX.
BUILDING HEIGHT

Principal Structure 35 ft 35 ft 35 ft Accessory Structure 85 ft*** 25 ft
MAX. LOT COVERAGE

Impervious Surface 10% 20% 20%

MIN. SETBACK

Principal

Front 50 ft 50 ft 50 ft Side 50 ft 15 ft 50 ft Rear 50 ft 35 ft 50
ft *Accessory*

Front - * - Side - 25 ft - Rear - 25 ft -

*All accessory uses for single family dwellings shall be located behind the front façade of the principal structure.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

48 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING REGULATIONS

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained within Article 3 of this Ordinance.
2. Maximum number of permitted dwellings or lots.
 - a. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this chapter, there may be one lot subdivided or one principal residence constructed for either a single-family detached nonfarm or farm dwelling, according to the following schedule:

**Lot Area
(acres)**

At Least Total Number of Permitted Lots/Dwellings*

Less Than
20
40
60
80
100
120
140

160
180
200
220
240
260
280
300
320
340
360

2 2
20 3
40 4
60 5
80 6
100 7
120 8
140 9
160 10
180 11
200 12
220 13
240 14
260 15
280 16
300 17
320 18
340 19
360 380 20

- b. For parent tracts great than 15 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 219, Resource & Landscape Management Overlay .

PUBLIC REVIEW DRAFT - February 2022 49

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

3. Right to Farm – All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of nuisances arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.
4. Required Conservation Plan – Any agricultural, horticultural, or forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation, shall fulfill all requirements of Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall comply with such regulations.
5. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

50 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING
REGULATIONS

SECTION 202 RURAL RESIDENTIAL ZONE (R)

A. Purpose

The primary purpose of this Zone is to promote a continuation of the rural character of the area, characterized by a mixture of sparsely developed residential uses with undeveloped land for the purpose of protecting Primary and Secondary Conservation Areas in contiguous, un-fragmented, commonly managed landscapes. Normal agricultural operations and practices are generally anticipated in these areas. In addition, other small-scale non-residential uses have developed. This Zone will continue these development trends but will install additional protection for rural residences from the impacts of other non-residential uses. These areas are not likely to be served by public sewer or water facilities within the foreseeable future; therefore, low-density, larger lot sizes, or the option of resource/landscape management developments with open space are indicated. Because of the character of these areas, some steep slopes are included. For this reason, specific lot design requirements have been imposed on steeply sloped development sites.

B. Permitted Uses

**Additional
Provisions**

Permitted Uses

P
P
P
C
C
C
C

P
C
C
P
C
C
P
C
C
P
P
C
P

Reference

Accessory Apartment 301.20 Accessory Uses;
customarily incidental to the principal

use; including agritourism and agricultural marketing enterprises
Agriculture/Agricultural Operation
301, 301.15, 301.16

Bed and Breakfast 406; 804 Campgrounds 410;
804 Cemetery 427; 804 Commercial Livestock Operation
412; 804 ECHO Housing 304.9
Event Center 409; 804 Family Day-Care Facility 416;
804 Forestry 304.19 Golf Course 418; 804 Home
Occupation 425; 804 Non-Commercial Keeping of
Livestock 301.17 Place of Worship and other Related Uses
427; 804 Private Clubhouses 436; 804 Public and/or Non-
Profit Park and Playground

Public Utility Structure Type 1 304.22 Schools, Public and
Private 437; 804 Single Family Detached-Dwelling

PUBLIC REVIEW DRAFT - February 2022 51

P – Permitted Use By Right C – Conditional Use
ARTICLE 2 Silver Spring Zoning Ordinance ZONING
REGULATIONS

Riding Stable P 304.15

P
C

Two-Family Conversion 304.16 Wireless Communication Facilities 448; 804

C. Dimensional Requirements

ALL
ALL
PERMITTED USES IF
>50% OF
SITE

AGRICULTURAL USES
PERMITTED USES
POSSESSES >15% SLOPE

MIN. LOT SIZE 10 acres** 1 acre 2 acres MIN. LOT WIDTH
at Building Setback Line 100 ft 150 ft 150 ft at lot frontage 60 ft
MAX. BUILDING HEIGHT

Principal Structure 35 ft 35 ft 35 ft Accessory Structure 85 ft*** 15 ft
15 ft MAX. LOT COVERAGE

Impervious Surface 10% 10% 7% _
MIN. SETBACK

Principal

Front 50 ft 50 ft 50 ft Side 50 ft 60 ft 60 ft Rear 50 ft 50 ft 50
ft *Accessory*

Front - * * Side - 30 ft 30 ft Rear - 15 ft 15 ft

*All accessory uses shall not be permitted in front yard between principal building and front lot line.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

52 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING REGULATIONS

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.
2. Maximum number of permitted dwellings or lots.
 - a. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this chapter, there may be one lot subdivided or one principal residence constructed for either a single-family detached nonfarm or farm dwelling, according to the following schedule:

Lot Area
(acres)

At Least Total Number of Permitted Lots/Dwellings*

Less Than
5

2 2

5 3

- b. For parent tracts great than 10 acres within Conservation Development Area B, any subdivision of land shall follow the provisions of Section 219, Resource & Landscape Management Overlay .
- 3. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

PUBLIC REVIEW DRAFT - February 2022 53
ARTICLE 2 Silver Spring Zoning Ordinance ZONING
REGULATIONS

SECTION 203 RESIDENTIAL ESTATE ZONE (RE)

A. Purpose

This Zone provides an appropriate location for both the continuation of rural agricultural landscapes and the limited development of low-density, large-lot single-family residential estates. Selected locations adjoin existing neighborhoods of similar housing styles, as well as vacant areas with attractive rolling topography to maximize visual appeal. This Zone generally lies beyond planned public utility service areas, which further suggests the need for low-density, larger lots to support on-lot wells and sewage disposal systems, or the option of resource/landscape management developments with open space. Permitted uses have been strictly limited to principal residences and related accessory uses. Finally, the option of resource/landscape management developments with open space and vegetative protection measures have been utilized to protect the “character” of the landscape and related natural habitats.

B. Permitted Uses

Additional Provisions

Permitted Uses

P
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C
C
C
C
P
C
C
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C
C

P
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C
P
P

Reference

Accessory Apartment 301.20 Accessory
 Uses; customarily incidental to the
principal use 301 Agriculture/Agricultural
 Operation
 Bed and Breakfast 406; 804 Campgrounds
 410; 804 Cemetery 427; 804 Commercial
 Livestock Operation 412; 804 ECHO
 Housing 304.9
 Event Center 409; 804 Family Day-Care
 Facility 416; 804 Forestry 304.19 Golf
 Course 418; 804 Home Occupation 425;
 804 Non-Commercial Keeping of Livestock
 301.17 Place of Worship and other Related
 Uses 427; 804 Private Clubhouses 436;
 804 Public and/or Non-Profit Park and
Playground
 Public Utility Structure Type 1
 304.22 Schools, Public and Private 437;
 804 Single Family Detached-Dwelling
 Riding Stable 304.15

Two-Family Conversion P 304.16

C

Wireless Communication Facilities 448; 804 P – Permitted Use By Right C – Conditional Use

C. Dimensional Requirements

AGRICULTURAL USES ALL PERMITTED USES

MIN. LOT SIZE 10 acres** 3 acres MIN. LOT WIDTH
at Building Setback Line 100 ft 250 ft at lot frontage 60 ft 100
ft MAX. BUILDING HEIGHT
Principal Structure 35 ft 35 ft Accessory Structure 85 ft*** 15
ft MAX. LOT COVERAGE
Impervious Surface 10% 20% _
MIN. SETBACK
Principal
Front 50 ft 75 ft Side 50 ft 50 ft Rear 50 ft 50
ft *Accessory*
Front - * Side - 15 ft Rear - 15 ft

*All accessory uses shall not be permitted in front yard between principal building and front lot line.

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

**ARTICLE 2 Silver Spring Zoning Ordinance ZONING
REGULATIONS**

2. Woodland Preservation Requirements – Only those areas necessary for the construction of buildings or structures, for which a building permit has been issued, shall be cleared of existing woodland.
3. Subdivision of Land. For parent tracts great than 10 acres within Conservation Development Area B, any subdivision of land shall follow the provisions of Section 219, Resource & Landscape Management Overlay .
4. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

56 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING REGULATIONS

SECTION 204 R-1 RESIDENTIAL ZONE (R-1)

A. Purpose

This Zone is meant to accommodate suburban detached residential growth within the Township, in a manner that contributes to the creation of a community-wide Greenway system for the benefit of present and future residents. This Zone coincides with potential sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities. All subdivisions and land developments shall be designed to accommodate public utilities as they become available.

In accordance with local planning goals, developments within this Zone are encouraged to use Resource and Landscape Management Overlay design. Such process aims to preserve any significant natural features or areas of severe development limitation. This Resource and Landscape Management Overlay approach includes provision of Greenway land to help retrofit needed neighborhood and linear parklands, as suggested within the Township's Comprehensive Recreation and Open Space Plan.

B. Permitted Uses

Additional Provisions

Permitted Uses

Accessory Uses; customarily incidental to the

Reference

P
P
C
C
C

P
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C
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C
P
P
P
C
P

principal use 301 Agriculture/Agricultural Operation
Commercial Day-Care Facility 411;
804 Event Center 409; 804 Family Day-Care Facility 416; 804 Forestry 304.19
Golf Course 418; 804 Home Occupation 425; 804 Non-Commercial Keeping of Livestock 301.17 Place of Worship and other Related Uses 427; 804 Public and/or Non-Profit Park and Playground
Public Utility Structure Type 1 301.17, 304.22 Public Vocational and Mechanical Trade School
Schools, Public and Private 437; 804 Single Family Detached-Dwelling
P – Permitted Use By Right **C** – Conditional Use

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

C. Dimensional Requirements

NONE

**PUBLIC WATER
PUBLIC SEWER**

**BOTH PUBLIC WATER AND
PUBLIC SEWER**

AGRICULTURAL USES

MIN. LOT SIZE 1 acre 32,000 sf 20,000 sf 15,000 sf 10 acres** MIN.

LOT WIDTH

at Building Setback Line 280 ft 250 ft 125 ft 100 ft 100 ft at Lot

Frontage 60 ft MAX. BUILDING HEIGHT

Principal Structure 35 ft 35 ft 35 ft 35 ft 35 ft Accessory Structure 15 ft

15 ft 15 ft 15 ft 85 ft*** MAX. LOT COVERAGE

Impervious Surface 20% 25% 30% 35% 10% _

MIN. SETBACK

Principal

_{Front} 40 ft 40 ft 40 ft 35 ft 50 ft Side 40 ft 40 ft 40 ft 20 ft 50 ft Rear 50 ft 50 ft 40 ft 35 ft 50 ft _

Accessory

Front - Not allowed in front yard between principal building and front lot line. - Side 5 ft 5 ft 5 ft 5 ft - Rear 5 ft 5 ft 5 ft 5 ft -

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

Note: Existing single-family lots, regardless of whether they are serviced by public or on lot utilities, are governed by the design requirements for lots utilizing both public sewer and public water except for the following minimum yard setback standards: Front - thirty-five (35) feet, one side - eight (8) feet, both sides twenty (20) feet, and rear thirty-five (35) feet.

58 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING
REGULATIONS

D. Additional Provisions

1. Permitted Density for Single-Family Detached Dwellings on Parcels Not Serviced by Both Public Sewer and Public Water
 - a. For each parcel of contiguous land in single ownership which is not served by both public sewer and public water, there may be five (5) lots sold or utilized for a permitted use single-family detached dwelling, provided that each of the newly created lots, as well as the parent tract, shall comply with corresponding Township design standards.
 - b. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional permitted use single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional permitted use single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the R-1 Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of permitted use single-family detached dwellings, as determined by the provisions of this section;

- c. In the event a tract of land, which was not classified as part of the R-1 Zone on the effective date of this Ordinance, is hereafter classified as part of the R-1 Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification.
2. Residential Subdivision. For parent tracts great than 5 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 219, Resource & Landscape Management Overlay .
3. Age Restricted Residential Development
- a. This subsection provides a density bonus for a residential development that an applicant agrees to establish as being age restricted in compliance with the Federal requirements for "Housing for Older Persons."
 - b. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:
 - 1) A minimum of one head of household of each dwelling unit shall be age 55 years or older, or who is physically disabled as defined by Social Security disability regulations, except that an applicant may choose the option under Federal law of using 62 years or older for such limit instead of 55 years or older;
 - 2) No person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year;

PUBLIC REVIEW DRAFT - February 2022 59

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

- c. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority, and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.
 - 1) If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household

in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.

d. All age-restricted development shall fall under the requirements of Section 219, Resource & Landscape Management Overlay Zone (RLMO). Additional provisions include the following:

1) Development must be served by both public sewer and public water services and shall only occur within Conservation Development Area B.

2) The following dwelling unit densities and dimensional standards shall be modified from those set forth in Table BB and Table CC:

a) Densities

Gross Density – 3 units per acre

Net Density – 5.5 units per acre

b) Dimensional Requirements

	Single Family Detached	Duplex	Townhouse
Min. Lot Area (sf.)	6,000	3,250*	2,000*
Min. Lot Width (ft.)	40	30*	20*
Min. Front Yard (ft.)	20	20	10
Min. Side Yard (ft.)	5	5	0;15 Aggregate
Min. Rear Yard (ft.)	20	20	20

*Per unit

e. If a condominium form of ownership or similar arrangement under the State Planned Communities Act is used, the applicant shall prove to the Township that the buildings will be laid out in such a manner that each dimensional requirement would have been met if each dwelling had been placed on its own fee simple lot.

f. A minimum of 15 percent of the required Open Space shall be suitable for recreation for persons age 55 and older. Areas that would be needed to meet the

60 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING
REGULATIONS

minimum lot area for individual dwelling units shall not count towards this recreation land requirement.

- g. An Age Restricted Residential Development shall meet all other requirements of Township ordinances that are not specifically modified by this Section.

4. Workforce Housing

- a. This Subsection provides a density bonus for a residential development that an applicant agrees to establish as being constructed for the purposes of Workforce Housing.
- 1) Workforce Housing units shall be affordable for someone earning between 80% and 120% of the median household income in Cumberland County as determined by the latest Census data.
 - 2) Housing shall be deemed affordable provided that the costs of such housing including mortgage, amortization, taxes, insurance, and condominium or association fees, if applicable, constitute no more than 30% of such gross annual household income for a household size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than [30] percent of such gross annual household income for a household of the size that may occupy the unit in question.
- b. Minimum Unit Ratio. One workforce housing dwelling unit shall be provided for each four market-rate dwelling units.
- c. Density Bonus. One market-rate unit for each workforce housing dwelling unit provided on-site.
- d. Minimum Lot Size Bonus. The minimum lot size, as outlined within this District, may be reduced by 20 percent for all workforce housing units as well as for each market-rate dwelling unit at a ratio of four market-rate dwelling units for each one workforce housing dwelling unit.
- e. A written agreement between an applicant for a development and Township containing specific requirements shall be created to

ensure the continuing affordability of housing included in the development.

- 5. All individual units that are proposed without the use of public utilities will be required to be situated to one side of a wider lot so that future in-fill development potentials can be protected when public utilities become available.
- 6. All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3 of this Ordinance.

PUBLIC REVIEW DRAFT - February 2022 61
ARTICLE 2 Silver Spring Zoning Ordinance ZONING
REGULATIONS

SECTION 205 HIGH DENSITY RESIDENTIAL ZONE (R-2)

A. Purpose

This Zone seeks to accommodate the higher density needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. This Zone is located near existing multi-family developments and/or major transportation routes. Certain civic and residential-related uses have also been allowed to enhance convenient access to this higher concentration of residents. This Zone coincides with public utility service areas. As a result, permitted densities and housing types reflect the use of these public utilities. Finally, Resource and Landscape Management Overlay developments are a permitted use, and village development with density bonuses, are a conditional use, to encourage this preferred development pattern.

B. Permitted Uses

**Additional
Provisions**

Permitted Uses

Accessory Uses; customarily incidental to the

Reference

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principal use 301 Agriculture/Agricultural
Operation
Boarding Houses 407; 804 Commercial
Day-Care Facilities 411; 804 Conversion
Apartments 304.17 Duplex

Family Day-Care Facility 416; 804 Forestry
304.19 Home Occupation 425; 804 Medical
Residential Campus 429; 804 See Twp. Mobile

Mobile Home Park Multi-Family Dwelling

Home Park Ordinance

Nursing Home 432; 804 Place of Worship
and other Related Uses 427; 804 Public
and/or Non-Profit Park and
Playground

Public Utility Structure Type 1
304.22 Quadraplex

Schools, Public and Private

Single Family Detached-Dwelling

Townhouse

P – Permitted Use By Right **C** – Conditional Use

62 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING
REGULATIONS

C. Dimensional Requirements

**SINGLE
FAMILY
DWELLING DUPLEXES**

**TOWN HOUSES
MULTIPLE FAMILY**

**OTHER
USES AG USES**

MIN. LOT WIDTH

at Building Setback Line 80 ft 50 ft * 20 ft * 200 ft 200 ft 100 ft at Lot Frontage 60
ft MAX. BUILDING HEIGHT

Principal Structure 35 ft 35 ft 35 ft 35 ft 35 ft 35 ft Accessory Structure 15 ft 15 ft 15 ft 15 ft
15 ft 85 ft*** MAX. LOT COVERAGE

Impervious Surface 35% 35% 60% 60% 30% 10% _
MIN. SETBACK

Principal

Front, on Local/Collector Street 40 ft 40 ft 40 ft 50 ft 40 ft 50 ft Front, on Arterial Street
50 ft 50 ft 50 ft 50 ft 50 ft 50 ft Side 15 ft 25 ft 15 ft (end units) 30 ft 30 ft 50 ft Rear 35 ft
30 ft 30 ft 50 ft 50 ft 50 ft *Accessory*

Front - Not allowed in front yard between principal building and front lot line. - Side 5
ft 5 ft 5 ft 5 ft 5 ft - Rear 5 ft 5 ft 5 ft 5 ft 5 ft -

REQUIRED PUBLIC UTILITIES Both Public Water and Public Sewer MAX.

NET DENSITY (du/ac) 4 5 5 5 -

*Per unit

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

PUBLIC REVIEW DRAFT - February 2022 63

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

D. Additional Provisions

1. Residential Subdivision. For parent tracts greater than 3 acres within Conservation Development Area B, any residential subdivision shall follow the provisions of Section 219, Resource & Landscape Management Overlay .

2. Age Restricted Residential Development

f. This subsection provides a density bonus for a residential development that an applicant agrees to establish as being age restricted in compliance with the Federal requirements for "Housing for Older Persons."

g. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:

1) A minimum of one head of household of each dwelling unit shall be age 55 years or older, or who is physically disabled as defined by Social Security disability regulations, except that an applicant may choose the option under Federal law of using 62 years or older for such limit instead of 55 years or older;

2) No person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year;

h. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority, and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.

1) If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.

i. All age-restricted development shall fall under the requirements of Section 219, Resource & Landscape Management Overlay Zone (RLMO). Additional provisions include the following:

1) Development must be served by both public sewer and public water services and shall only occur within Conservation Development Area B.

2) The following dwelling unit densities and dimensional standards shall be modified from those set forth in Table BB and Table CC:

a) Densities

Gross Density – 5 units per acre

Net Density – 7 units per acre

b) Dimensional Requirements

	Single Family Detached	Duplex	Townhouse	Multi-Family
Min. Lot Area (sf.)	5,000	2,500*	1,750*	1 acre
Min. Lot Width (ft.)	30	25*	18*	100
Min. Front Yard (ft.)	10	10	10	20
Min. Side Yard (ft.)	5	5	0;15 Aggregate	0;15 Aggregate
Min. Rear Yard (ft.)	20	20	20	25

*Per unit

j. If a condominium form of ownership or similar arrangement under the State Planned Communities Act is used, the applicant shall prove to the Township that the buildings will be laid out in such a manner that each dimensional requirement would have been met if each dwelling had been placed on its own fee simple lot.

k. A minimum of 15 percent of the required Open Space shall be suitable for recreation for persons age 55 and older. Areas that would be needed to meet the minimum lot area for individual dwelling units shall not count towards this recreation land requirement.

l. An Age Restricted Residential Development shall meet all other requirements of Township ordinances that are not specifically modified by this Section.

3. Waste Products - All dumpsters used to service multi-family dwellings shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or "sight-tight" fenced enclosure equipped with a self-latching door or gate and screened from any adjoining roads and/or properties. Dumpsters shall not be permitted within a front yard.

4. All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3 of this Ordinance.

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

SECTION 206 VILLAGE RESIDENTIAL ZONE (R-3)

A. Purpose

This Zone intends to implement suitable policies for the protection and stabilization of older residential neighborhoods within the villages of Hogestown, Wertzville and New Kingstown. Aside from residential and public uses, non-residential uses have been limited to preserve the “small town” character of these areas. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes. Incentives are provided to coordinate vehicular access between adjoining properties.

B. Permitted Uses

Additional Provisions

Permitted Uses

Accessory Uses; customarily incidental to the

Reference

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C

principal use 301 Agriculture/Agricultural
Operation

All Other Residential Uses 447; 804 Bed
and Breakfast 406; 804 Boarding Houses
407; 804 Conversion Apartments 415;
804 Duplex

Family Day-Care Facility 416;
804 Forestry 304.19 Historic Apartment
Conversions 424; 804 Home Occupation
425; 804 Non-Commercial Keeping of
Livestock 301.17 Off-Street/Off-Site
Parking 433; 804 Place of Worship and
other Related Uses 427; 804 Public and/or
Non-Profit Park and

Playground

Public Utility Structure Type 1
304.22 Schools, Public and Private
Single Family Detached-Dwelling

All Other Residential Uses 447; 804 **P** –
Permitted Use By Right **C** – Conditional Use

66 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING
REGULATIONS

C. Dimensional Requirements

**SINGLE
FAMILY
DWELLING DUPLEXES**

**OTHER USES
AGRICULTURAL USES**

MIN. LOT SIZE 6,000 sf 6,000 sf * 6000 sf 10 acres** MIN. LOT WIDTH

Setback Line 60 ft 40 ft * 60 ft 100 ft 60 ft

MAX. BUILDING HEIGHT

Principal Structure 35 ft 35 ft 50 ft 35 ft Accessory Structure 15 ft 15 ft 15 ft 85
ft*** MAX. LOT COVERAGE

Impervious Surface 35% 35% 70% 10% _

MIN. SETBACK

Principal

Front 20 ft 20 ft 20 ft 50 ft Side 16 ft 10 ft 20 ft 50 ft Rear 30 ft 30 ft 30 ft
50 ft *Accessory*

Front - Not allowed in front yard between principal building and front lot line.

Side 5 ft 5 ft 5 ft - Rear 5 ft 5 ft 5 ft - REQUIRED PUBLIC UTILITIES

Both Public Water and Public Sewer

*Per unit

** Unless otherwise determined by any applicable size and/or income standards, as prescribed by the Pennsylvania Right to Farm Act, as amended.

*** Applicable to uninhabitable accessory farm structures provided that the structure is set back from each property line a distance at least equal to its height.

D. Additional Provisions

1. Design Features/Bonus Incentives – See the Township’s Subdivision and Land Development Ordinance, Section 619.
2. All uses within this Zone shall comply with all applicable General Provisions contained within Article 3 of this Ordinance.

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

SECTION 207 VILLAGE OVERLAY ZONE (VO)

In compliance with Sections 605. (2) and 605. (3) of the Act, this Zone provides an optional set of design standards that can be applied to property located within the R-1 and R-2 Residential Zones. These optional design standards seek to achieve a “village” type setting that is characteristic of much of Cumberland County’s built environment and heritage. All of the design standards of this Zone are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

It is the intent of the Board of Supervisors to implement Article VII – A of the Municipalities Planning Code, Traditional Neighborhood Development, by providing standards for traditional neighborhood development as a new development, as an outgrowth or extension of existing development and as a form of infill.

It is the further intent of the Board of Supervisors to encourage flexibility, economy, and ingenuity in the development of tracts within this Zone. To this end, the Board of Supervisors shall, by conditional use approval, permit the developer to modify the design standards of this Section 207 if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design.

A. Some of the specific development objectives of the Zone include the design and construction of neighborhoods that:

1. Are distinct in their incorporation of important natural and cultural features;
2. Provide for a diversity of housing types, sizes, and costs with particular emphasis on scattered-site affordable housing opportunities;
3. Provide for convenient vehicular access to the neighborhood's edge but increased reliance upon pedestrian movements within its bounds;
4. Integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
5. Make efficient use of local infrastructure and services;

6. Reflect the historic and traditional building styles so abundant within the region;
7. Reserve and feature civic uses and open spaces as community focal points;
8. Provide safe, efficient, and compatible linkages with existing nearby land uses, streets, sidewalks, etc.;
9. Invite regular and frequent social interaction among its inhabitants; and,

68 PUBLIC REVIEW DRAFT - February 2022
Silver Spring Zoning Ordinance ARTICLE 2 ZONING REGULATIONS

10. Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.

These development objectives will be used as a measure of conformance with any proposed development within this Zone.

B. Relationship to Other Ordinances and Sections of this Zoning Ordinance - The provisions of this Section create a conditional use overlay zone, which may be applied to lands within the R 1, and R-2 Zones. This Zone may only be applied to property upon approval by the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors. Such overlay zone establishes different land use and design requirements from those contained in this and other ordinances of the Township. To the extent the regulations within this section differ (are more or less restrictive) from others, those within this section shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.

C. Severability and Repealer - Should any part of this section be declared invalid by the courts, the entire Section 207 shall be automatically repealed.

D. Review Procedures - All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to Section 804 of this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s).

E. Permitted Uses

1. Public uses and public utilities structures excluding communication antennas, towers, and equipment;
2. Public and/or non-profit parks;
3. Churches and related uses;
4. Single-family detached dwellings;
5. Duplexes;
6. Townhouses with no more than five (5) units per building;
7. Quadruplexes;
8. Accessory building apartments with no more than one (1) dwelling unit, subject to the criteria listed in Section 401 of this Ordinance;
9. Home occupations subject to the criteria listed in Section 425 of this Ordinance;
10. Family day-care subject to the criteria listed in Section 416 of this Ordinance;
11. The following locally-oriented commercial uses:

PUBLIC REVIEW DRAFT - February 2022 69

ARTICLE 2 Silver Spring Zoning Ordinance ZONING REGULATIONS

- a. Barber, beauty, tanning, and health salons;
- b. Tailors, off-site dry cleaning, and shoe repair services;
- c. Retail sales and/or rental of goods such as, but not limited to, antiques, apothecaries, packaged beverages, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult-related uses);
- d. Delicatessens, bakeries, ice cream shops, caterers, restaurants (with or without alcohol), provided no drive-through facilities are used;
- e. Photographic, music, art and dance studios;

- f. Professional, medical, and/or dental offices;
- g. Banks, including outdoor tellers if pedestrian-oriented, and similar financial institutions, provided no drive-through facilities are utilized; and,
- h. Repair of clocks, jewelry, cameras, electronics, and small household appliances.
- i. Commercial day-care facilities, subject to the criteria listed in Section 411;
- j. Accessory uses customarily incidental to the above permitted uses.
- k. Greenway land.

F. Minimum Area Requirements and Maximum Permitted Density

- 1. Minimum Area. All applications for this Zone shall contain no less than fifteen (15) contiguous acres, Adjusted Tract Area. However, applications that expand previously approved Village Overlay Zone development shall have no minimum area requirements.
- 2. Maximum Permitted Density.
 - a. The maximum residential density shall be as follows:
 - 1) R1 District: 4 dwelling units/acre, ATA
 - 2) R2 District: 8 dwelling units/acre, ATA
 - 3) Accessory building apartments do not count towards the maximum density.
 - b. Where land is devoted to locally oriented commercial uses, such area shall be delineated on the plan as a separate lot, to be subtracted from the land area used to calculate maximum residential density.
 - c. No minimum lot area is established for individual dwelling units.