



**PLANNING DEPARTMENT**  
Cumberland County

## Cumberland County Review Report

Cumberland County Planning Department  
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### Recommendation: *Approval With Comments*

<i>Name of Amendment:</i>				
Accessory Structures, Home Occupations and Warehouses				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Penn Township	2/15/2023	3/6/2023	SH, EG	KS
<i>Type of Amendment:</i>				
Zoning Text Amendment				

### Explanation of Amendment:

Penn Township has submitted a draft zoning ordinance text amendment for review. The proposed amendment will make several changes in the current zoning ordinance which was adopted on January 14, 2021. The proposed amendments include new requirements for accessory structure setbacks, new sign requirements for a home occupation, make warehouses/distribution centers/industrial parks a conditional use in the I district, and a requirement for overnight truck parking and utility hookups to be provided with warehouse and distribution facilities.

The proposed text amendment is generally consistent with the Cumberland County Comprehensive Plan and the Penn Township Comprehensive Plan.

### Administrative Comments and Recommendations:

1. Proposed section 1202 F.a and G – replace axels with axles.

### Technical Comments and Recommendations:

2. As required by the Municipalities Planning Code, the ordinance should permit a ‘no-impact home based business’ as a use in all residential districts.
  - a. The township should utilize the term and definition of no-impact home based business as provided for in the Municipalities Planning Code, as amended. The definition and accompanying specific criteria should be included verbatim. The use is defined as “business or commercial activity administered or conducted as a use which is clearly secondary to the residential use of the 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.”
  - b. The township should maintain no-impact home based businesses and home occupations as distinct uses. A home occupation is typically more intense than a no impact home-based business and allows for some customer traffic and signage.

- c. The township should define low impact business and determine if the use is needed given definitions for no impact home-based business and home occupations
- 3. Proposed section 902.L and M. The township should consider whether home occupation and low impact business would be permitted uses in the industrial zoning district where residential uses are not permitted.
- 4. Proposed section 1202.F. Can shipping containers be used as residential structures? The township may want to specifically exclude this use. In other areas, shipping containers have been used for tiny home type residential units.
- 5. Proposed section 1202.F.c.. The township should verify that a nuisance ordinance exists, and that landscaping is addressed in the nuisance ordinance.
- 6. Proposed section 1202.F.d. How will the township determine if a container is well maintained “aesthetically”?
- 7. Proposed section 1202.I, accessory buildings, civil penalties. The township solicitor should review this language.
  - a. This section may contradict and/or duplicate the existing language in section 1510 (page XV-7) of the zoning ordinance.
  - b. What is the purpose of the ‘alternative dispute resolution ordinance’? It appears that this could be considered a variance.
  - c. The township should verify that the ‘alternative dispute resolution ordinance’ was adopted and available at the township office.
  - d. Why is the ‘alternative dispute resolution ordinance’ only referenced in the section regulating accessory buildings? It appears that this may apply to the entire ordinance.
  - e. The fine referenced in proposed section 1202.I.B should be compared to existing section 1510.C.1 (page XV-9). CCPD recommends that all language regarding violations and/or enforcement be in section 1510.
- 8. Proposed section 1336, home occupations. The township should review the sign requirements for a home occupation. CCPD recommends that all sign requirements for a home occupation be in a single section of the ordinance. The following sections apply:
  - a. Proposed section 1336.D permits one non-lighted directional sign with a maximum area of four square feet.
  - b. Proposed section 1336.L permits one illuminated sign not to exceed six square feet.
  - c. Existing section 1223.A.10 (page XII-22) permits one freestanding sign with a maximum area of 4 square feet.
  - d. Existing section 1223 (table 1223.H, P-8B, page XII-29) allows one freestanding sign for a home occupation with a maximum size of 2 square feet.
- 9. Proposed section 1336.H, home occupations. This section limits traffic generation by a home occupation to 12 vehicle trips per day. How will the township monitor and enforce the traffic generation limit?
- 10. Proposed section 1336.P. This section precludes shipping containers from being used as part of a home occupation while Section 1202.F. permits storage containers in any zoning district as an accessory building. How will the township determine if an accessory building is being used by the homeowner for personal use or for a home occupation? Why would a homeowner be permitted to have a shipping

container for personal storage but not for a home occupation as the use will look the same regardless of its purpose?

11. Proposed section 1368.H.

- a. The township should consider if the intent of this regulation is to provide for overnight parking or for long term parking. Warehouses may have traffic that arrives at a facility before established arrival times, thereby necessitating a place to park that is not on adjoining highways. If a warehouse will not have “overnight” traffic, they may claim an exemption from this regulation despite, still requiring long term parking spaces during regular hours of operation.
- b. Will the township use the Institute of Transportation Engineers (ITE) trip generation manual to estimate the vehicle trips? Many warehouses and distribution centers are constructed without a tenant and the anticipated traffic may be an estimate. The end user of the facility may generate significantly more or less traffic than the estimate. How does the township define the term “generate”? Does it include a truck that is coming to the facility, leaving the facility, or both?
- c. The township should expand on the requirement for a utility hookup. Will this include electric, air conditioning/heat, wastewater connections, potable water supply and/or restrooms?
- d. The township should review each of the uses included in section 1368. Do the requirements for overnight truck parking and utility hookups apply to all the uses? For example, will a lumber and/or coal yard, a building material storage yard, or a storage area for contractors’ equipment be required to provide overnight truck parking?

*“Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records.”*