

ORDINANCE 2009-13

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING, MODIFYING AND CHANGING THE CODE OF LOWER ALLEN TOWNSHIP, 1997, AT CHAPTER 59 SEXUALLY ORIENTED BUSINESSES BY AMENDING THE CHAPTER TO CONFORM WITH ORDINANCE 2009-02 THAT AMENDED THE ZONING ORDINANCE TO PERMIT SEXUALLY ORIENTED BUSINESSES ONLY IN ZONING DISTRICTS C-3, C-4 AND I-3.

BE IT ENACTED AND ORDAINED by the Board of Commissioners (“Board”) of Lower Allen Township (“Township”), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by same.

SECTION I

Chapter 59 “Sexually Oriented Businesses” of the Code of the Township of Lower Allen, 1997 shall be amended as follows:

1. Section 59-3. **Definitions** shall be amended at Definition RESIDENTIAL DISTRICT or USE, which shall be deleted, and a new definition for Residential District or use shall be enacted as follows:

RESIDENTIAL DISTRICT or USE—R-1 Single-Family Established Residential District, R-2 Single-Family Rural Residential District, MUN Mixed Use Neighborhood District, and R-3 Multi-Family Residential District, or any type of dwelling, family care facility, manufactured home park, campground, subdivision or land development designed and planned for residential use as defined in the Lower Allen Township Zoning Ordinance, 2009.

2. Section 59-4. **Establishment and classification of businesses regulated.** Subsection A. shall be deleted, and a new subsection A will be enacted as follows:

A. The establishment of a sexually oriented business shall be permitted only in the C-3 Business Park District, C-4 Regional Commercial District, and I-3 Industrial/Commercial District and shall be subject to the following regulations. No person shall cause or permit the establishment of any of the following sexually oriented businesses, as defined above and hereinafter classified, within 750 feet of another such business or within 1,000 feet of any religious institution, school, boys’ club, girls’ club or similar existing youth organization or public park or public building, or within 500 feet of any property zoned for residential district and use or used for residential purposes. When a limited access highway or railroad right-of-way is situated between a proposed sexually oriented business and a use from which an isolation distance is required, the distance will terminate at the edge of the highway or railroad right-of-way that is farthest from the proposed sexually oriented business location.

Subsections 1 through 10 shall not be amended.

3. Section 59.4 subsection B. shall be deleted in its entirety and replaced with a new subsection B. as follows:

B. Nothing in this section prohibits the location of sexually oriented businesses within retail shopping centers in the C-4 Regional Commercial Districts where such activities will have their only frontage upon enclosed malls or malls isolated from direct view from public streets, parks, schools, religious institutions, boys’ clubs, girls’ clubs or similar existing youth organizations, public buildings or residential districts or uses without regard to the distance requirements of Subsection A. above.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of

such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION IV

This ordinance shall take effect immediately.

ENACTED AND ORDAINED, into an Ordinance this 14th day of September, 2009, by the Board of Commissioners of Lower Allen Township.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

(Vice) President