

**DERRY TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE CODE OF DERRY TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, BY AMENDING CHAPTER 225, ZONING, ARTICLE II, FORM AND FUNCTION, SECTION 225-205, PERMITTED USES, SUBSECTION A, PRINCIPAL USES, TABLE 1: ZONING ORDINANCE LAND USE TABLE, BY ADDING PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY TO THE LIST OF COMMERCIAL USES PERMITTED BY RIGHT IN THE GENERAL COMMERCIAL ZONING DISTRICT, PLANNED CAMPUS WEST ZONING DISTRICT, MEDICAL CAMPUS CENTRAL ZONING DISTRICT AND COMMERCIAL RECREATION ZONING DISTRICT; AMENDING ARTICLE III, ZONING DISTRICTS AND OVERLAYS, SECTION 225-307, GENERAL COMMERCIAL, TABLE 12: GENERAL COMMERCIAL USES, BY ADDING PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY TO THE LIST OF COMMERCIAL USES PERMITTED BY RIGHT IN THE GENERAL COMMERCIAL ZONING DISTRICT; AMENDING ARTICLE III, ZONING DISTRICTS AND OVERLAYS, SECTION 225-310, PLANNED CAMPUS WEST, TABLE 18: PLANNED CAMPUS WEST USES, BY ADDING PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY TO THE LIST OF COMMERCIAL USES PERMITTED BY RIGHT IN THE PLANNED CAMPUS WEST ZONING DISTRICT; AMENDING ARTICLE III, ZONING DISTRICTS AND OVERLAYS, SECTION 225-311, MEDICAL CAMPUS CENTRAL, TABLE 20: MEDICAL CAMPUS CENTRAL USES, BY ADDING PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY TO THE LIST OF COMMERCIAL USES PERMITTED BY RIGHT IN THE MEDICAL CAMPUS CENTRAL ZONING DISTRICT; AMENDING ARTICLE III, ZONING DISTRICTS AND OVERLAYS, SECTION 225-312, COMMERCIAL RECREATION, TABLE 22: COMMERCIAL RECREATION USES, BY ADDING PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY TO THE LIST OF COMMERCIAL USES PERMITTED BY RIGHT IN THE COMMERCIAL RECREATION ZONING DISTRICT; AMENDING ARTICLE IV, PERFORMANCE STANDARDS AND SUPPLEMENTARY REGULATIONS, SECTION 225-402.5, VEHICULAR PARKING RATIOS, SUBSECTION A, TABLE 35: PARKING RATIOS BY ADDING A MINIMUM PARKING RATIO FOR PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY TO THE LIST OF COMMERCIAL USES; AMENDING ARTICLE XI, DEFINITIONS, SECTION 225-1103, DEFINITIONS BY AMENDING THE DEFINITION OF OUTPATIENT MEDICAL TREATMENT FACILITY; AMENDING ARTICLE XI, DEFINITIONS, SECTION 225-1103, DEFINITIONS BY ADDING A NEW USE TERMS AND DEFINITION FOR MASSAGE THERAPY AND FOR PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, has the authority pursuant to Section 1506 of The Second Class Township Code, 53 P.S. § 66506, Section 601 of the Pennsylvania Municipalities Planning Code, 53 P. S. § 10601, and Section 225-901 of Chapter 225, Zoning, of the Derry Township Code of Ordinances to enact and amend the Zoning Ordinance to advance the health, safety, and welfare of the citizens of Derry Township; and

WHEREAS, the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, has previously ordained and enacted an ordinance entitled, "The Official Zoning Ordinance of the Township of Derry", which is found at Chapter 225 of the Code of Ordinances of Derry Township; and

WHEREAS, Chapter 225, Zoning, of the Derry Township Code of Ordinances does not define or expressly permit a Physical, Occupational or Speech-Language Therapy Facility as a commercial use within any zoning district within Derry Township; and

WHEREAS, Chapter 225, Zoning, of the Derry Township Code of Ordinances lists Massage Therapy as an example of a type of permitted Personal Service Establishment in the definition of Personal Service Establishment, but does not define Massage Therapy; and

WHEREAS, the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania believes that it is in the best interest of Derry Township and the residents of Derry Township to amend Chapter 225, Zoning, of the Derry Township Code of Ordinances to: (i) define and permit a Physical, Occupational or Speech-Language Therapy Facility as a use by right in the General Commercial Zoning District, Planned Campus West Zoning District, Medical Campus Central Zoning District and Commercial Recreation Zoning District; (ii) amend the definition of Outpatient Medical Treatment Facility; and (iii) define Massage Therapy that already is listed as an example of a Personal Service Establishment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, that Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended as follows:

SECTION 1: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article II, Form and Function, Section 225-205, Permitted Uses, Subsection A, Principal Uses, Table 1: Zoning Ordinance Land Use Table, by adding Physical, Occupational or Speech-Language Therapy Facility to the list of commercial uses permitted by right in the General Commercial Zoning District, Planned Campus West Zoning District, Medical Campus Central and Commercial Recreation Zoning District, in alphabetical order.

SECTION 2: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article III, Zoning Districts and Overlays, Section 225-307, General Commercial, Table 12: General Commercial Uses by adding Physical, Occupational or Speech-Language Therapy Facility to the list of commercial uses permitted by right in the General Commercial Zoning District, in alphabetical order, as follows:

| Commercial Uses | | |
|--|---|--|
| Physical, Occupational or Speech-Language Therapy Facility | P | |

SECTION 3: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article III, Zoning Districts and Overlays, Section 225-310, Planned Campus West, Table 18: Planned Campus West Uses by adding Physical, Occupational or Speech-Language Therapy Facility to the list of commercial uses permitted by right in the Planned Campus West Zoning District, in alphabetical order, as follows:

| Commercial Uses | | |
|--|---|--|
| Physical, Occupational or Speech-Language Therapy Facility | P | |

SECTION 4: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article III, Zoning Districts and Overlays, Section 225-311, Medical Campus Central, Table 20: Medical Campus Central Uses by adding Physical, Occupational or Speech-Language Therapy Facility

to the list of commercial uses permitted by right in the Medical Campus Central Zoning District, in alphabetical order, as follows:

| | | |
|--|---|--|
| Commercial Uses | | |
| Physical, Occupational or Speech-Language Therapy Facility | P | |

SECTION 5: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article III, Zoning Districts and Overlays, Section 225-312, Commercial Recreation, Table 22: Commercial Recreation Uses by adding Physical, Occupational or Speech-Language Therapy Facility to the list of commercial uses permitted by right in the Commercial Recreation Zoning District, in alphabetical order, as follows:

| | | |
|--|---|--|
| Commercial Uses | | |
| Physical, Occupational or Speech-Language Therapy Facility | P | |

SECTION 6: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article IV, Performance Standards and Supplementary Regulations, Section 225-402.5, Vehicular Parking Ratios, Subsection A, Table 35: Parking Ratios, by adding a minimum parking ratio for Physical, Occupational or Speech-Language Therapy Facility to the list of commercial uses, in alphabetical order, as follows:

| USE | MINIMUM PARKING REQUIRED |
|--|--------------------------|
| Commercial Uses | |
| Physical, Occupational or Speech-Language Therapy Facility | See §225-402.5.B |

SECTION 7: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article XI, Definitions, Section 225-1103, Definitions, by amending the definition of Outpatient Medical Treatment Facility to read as follows:

OUTPATIENT MEDICAL TREATMENT FACILITY – A business establishment that provides medical services in a specific area of medicine, and contains advanced equipment and highly trained, specialized staff. These facilities may include surgery, imaging, medical laboratory, cancer and chemotherapy, narcotic and substance abuse, cardiology, gastrointestinal and similar type treatment centers. A general care practitioner may be located on site; however, a healthcare practitioners office shall not be a principal use of the facility. Overnight (hospital) accommodations shall not be permitted. This use does not include a Physical, Occupational or Speech-Language Therapy Facility.

SECTION 8: Chapter 225, Zoning, of the Derry Township Code of Ordinances is hereby amended by amending Article XI, Definitions, Section 225-1103, Definitions, by adding a new use term and definition for Massage Therapy and Physical, Occupational or Speech-Language Therapy Facility respectively, in alphabetical order, as follows:

MASSAGE THERAPY – Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with the aid of any mechanical or electrical apparatus, with or

without such supplementing aids as rubbing alcohol, liniments or other similar preparations commonly used in this practice. The term does not include the diagnosis or treatment of impairment, illness, disease, or disability, a medical procedure, a chiropractic manipulation (adjustment, physical therapy mobilization), manual therapy, therapeutic exercise, electrical stimulation, ultrasound, or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, speech-language pathology, podiatry or other practice of the healing arts is required or any other area licensed by the Commonwealth of Pennsylvania.

PHYSICAL, OCCUPATIONAL OR SPEECH-LANGUAGE THERAPY FACILITY – A business establishment specializing in providing: (i) physical therapy services defined in the Physical Therapy Practice Act (63 P.S. § § 1301—1313) under the supervision of a physical therapist licensed by the Pennsylvania State Board of Physical Therapy; (ii) occupational therapy services defined in the Occupational Therapy Practice Act (63 P.S. § § 1501—1519) under the supervision of an occupational therapist licensed by the Pennsylvania State Board of Occupation Therapy; or (iii) speech-language pathology services defined in Speech–Language Pathologists and Audiologists Licensure Act (63 P.S. § § 1701—1719) under the supervision of a speech-language pathologist licensed by the Pennsylvania State Board of Examiners in Speech-Language Pathology. This use does not include Massage Therapy. This use is not an Outpatient Medical Treatment Facility.

SECTION 9: All other sections, parts, and provisions of Chapter 225, Zoning, shall remain in full force and effect as previously enacted.

SECTION 10: Savings Clause. The provisions of this Ordinance are severable. If any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. It is hereby declared the intent of the Derry Township Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

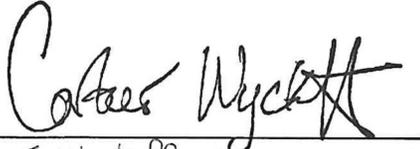
SECTION 11: Repealer. Any specific provisions of Chapter 225, Zoning, or any other Township ordinance or resolution that is in direct conflict within this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 12: Effective Date. This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED and ORDAINED into law this 27th day of February, 2024, by the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS
DERRY TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST



Carter E. Wyckoff, Secretary



E. Christopher Abruzzo (Vice) Chairman

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