

**YORK TOWNSHIP BOARD OF COMMISSIONERS
YORK COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-01**

AN ORDINANCE AMENDING CHAPTER 265 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF YORK, THE YORK TOWNSHIP ZONING ORDINANCE, BY AMENDING THE SECTIONS AND PROVISIONS OF ARTICLE 4, THE RESIDENTIAL LOW DENSITY DISTRICT TO INCREASE THE NET LOT AREA PERCENTAGE, THE RESIDENTIAL AGRICULTURAL DISTRICT TO ADD CONTRACTOR OFFICE, SHOP AND/OR YARD WITH HEAVY EQUIPMENT SALES, RENTAL, SERVICE AND/OR REPAIR FACILITY AS A SPECIAL EXCEPTION USE, THE COMMERCIAL OFFICE DISTRICT TO ADD RECREATION FACILITY (INDOOR) AS A PERMITTED USE, THE COMMERCIAL INDUSTRIAL DISTRICT TO ADD CONTRACTOR OFFICE, SHOP AND/OR YARD WITH HEAVY EQUIPMENT SALES, RENTAL, SERVICE AND/OR REPAIR FACILITY AS A PERMITTED USE, THE INDUSTRIAL DISTRICT TO ADD CONTRACTOR OFFICE, SHOP AND/OR YARD WITH HEAVY EQUIPMENT SALES, RENTAL, SERVICE AND/OR REPAIR FACILITY AS A PERMITTED USE, BY AMENDING ARTICLE 5, THE GENERAL REGULATIONS FOR DRIVETHROUGH FACILITIES, FENCES, WALLS AND RETAINING WALLS, STORAGE OF RECREATIONAL AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AND YARD PROJECTIONS, BY AMENDING THE SPECIFIC REGULATIONS FOR APARTMENT/RESIDENCE IN CONJUNCTION WITH A COMMERCIAL USE, COMMUNICATIONS ANTENNA, TOWER AND EQUIPMENT, HEAVY EQUIPMENT SALES, RENTAL, SERVICES, AND/OR REPAIR FACILITY/CONTRACTOR'S OFFICE, SHOP AND/OR YARD, RESIDENTIAL CONSERVATION DEVELOPMENT, SELF-SERVICES STORAGE FACILITY, AND SHOOTING RANGE (OUTDOOR), AND BY AMENDING ARTICLE 11, DEFINITIONS, FOR CONTRACTOR OFFICE, SHOP AND/OR YARD, UTILITY TRAILER, AND RECREATIONAL VEHICLE.

BE IT ENACTED AND ORDAINED by the Township Commissioners of York Township, York County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1: Article 4 of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-401. RESIDENTIAL LOW DENSITY (RL) DISTRICT

G. Lot coverage for all uses shall not exceed forty (40) percent of Net Lot Area.

Section 2: Article 4 of the York Township Zoning Ordinance is hereby amended, in part, by the addition to, and amendment of, respectively, the following subpart:

265-404. RESIDENTIAL AGRICULTURAL DISTRICT (RA)

C. Special Exception Uses

16. Heavy Equipment Sales, Rental, Service and/or Repair Facility/Commercial Contractor

23. Shooting Range (Outdoor), Commercial

Section 3: Article 4 of the York Township Zoning Ordinance is hereby amended, in part, by the addition of the following subpart:

265-406. COMMERCIAL OFFICE DISTRICT (CO)

B. Permitted Uses

14. Recreation Facility (Indoor) – see Section 265-655

The remainder of this subpart shall be renumbered accordingly.

Section 4: Article 4 of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-408. COMMERCIAL INDUSTRIAL DISTRICT (CI)

B. Permitted Uses

13. Heavy Equipment Sales, Rental, Service and/or Repair Facility/Contractor's Office, Shop and/or Yard – See Section 265-638

Section 5. Article 4 of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-409. INDUSTRIAL DISTRICT (I)

B. Permitted Uses

11. Heavy Equipment Sales, Rental, Service and/or Repair Facility/Contractor's Office, Shop and/or Yard – See Section 265-638

Section 6. Article 5, General Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-510. DRIVETHROUGH FACILITY

F. Drive through facility stacking lanes shall be separated from the parking lot's interior driveways by the use of curbs, painted pavement striping and/or planting islands.

Section 7. Article 5, General Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-513. FENCES, WALLS AND RETAINING WALLS

- A. For any residential use, no fence shall be erected to a height of more than four (4) feet in any front yard or more than six (6) feet in any other yard unless authorized by Special Exception. For any commercial or industrial use, no fence shall be erected to a height of more than seven (7) feet in any front yard or more than ten (10) feet, including any barbed wire atop the fence, in any other yard unless authorized by special exception.

Section 8. Article 5, General Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-532. STORAGE OF RECREATIONAL VEHICLES, UTILITY TRAILERS, AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

On a lot in a residential district, Recreational Vehicles, Utility Trailers and Commercial Vehicles must be parked/stored as follows:

- A. Parking or storage of Recreational Vehicles, Utility Trailers and Commercial Vehicles of any length is permitted at any time within a garage, attached carport or an enclosed storage structure.
- B. Parking or storage of a Recreational Vehicle or Utility Trailer, thirty (30) feet or less in total length is permitted outside only in the side and/or rear yard, provided that:
 - 1. The Recreational Vehicle or Utility Trailer is located no closer than six (6) feet to the side or rear lot line; and
 - 2. The Recreational Vehicle or Utility Trailer can be parked or stored in a safe and secure manner so as not to be a hazard to either persons or property.
- C. Outdoor parking or storage of a Recreational Vehicle or Utility Trailer in excess of thirty (30) feet in length is not permitted.
- D. While parked or stored, a Recreational Vehicle shall not be:
 - 1. Used or occupied for dwelling purposes, except for sleeping by visitors of the owner or occupant of the lot for a period not exceeding fourteen (14) days in any one calendar year. Cooking shall not be permitted at any time.
 - 2. Permanently or temporarily connected to sewer lines. A unit may be temporarily connected to water and electric lines while used or occupied by visitors during the time specified in Subsection D.1. of this section or while being loaded, unloaded or serviced as provided in Subsection E. below.
 - 3. Used for storage of goods, materials, or equipment other than those considered to be a part of the unit or essential for its immediate use.

- E. A Recreational Vehicle or Utility Trailer may be parked anywhere on the lot during loading, unloading or servicing of the unit for a period not to exceed thirty-six (36) hours.
- F. No Recreational Vehicle or Utility Trailer shall be parked or stored on any lot unless owned or leased by the occupant of such lot, except that a visitor may park or store a unit thereon for a period not exceeding fourteen (14) days in any calendar year.
- G. No Recreational Vehicle or Utility Trailer may be stored within any right-of-way, including a street, sidewalk or alleyway.
- H. No Commercial Vehicle (over 12,000 GVW) or trailer (or similar equipment which cannot move under its own power) shall be stored for a continuous period of more than thirty-six (36) hours.

Section 9. Article 5, General Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-536. YARD PROJECTIONS

- B. Patios, paved terraces and unroofed decks may be located in rear yards, provided that they do not extend closer than twenty-five (25) feet to the rear property line and meet the side setback requirements of the respective District. In case of a corner lot, no such structures shall extend into the required front yard adjoining each street.
- C. Covered porches, patios and/or decks, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into any yard.

Section 10. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-608. APARTMENT/RESIDENCE IN CONJUNCTION WITH A COMMERCIAL USE

- E. If an addition is proposed to the structure, a Minor Plan application shall be filed per Section 305 of the SALDO.

Section 11. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-615. CAR WASH

- D. All structures housing self-service washing apparatus shall be set back 100 feet from any street right-of-way line, twenty (20) feet from any rear and/or side lot line.

Section 12. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by deletion of the following subpart to read as follows:

265-622. RESERVED FOR FUTURE USE.

Section 13. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-638. HEAVY EQUIPMENT SALES, RENTAL, SERVICES AND/OR REPAIR FACILITY/CONTRACTOR'S OFFICE, SHOP AND/OR YARD

Heavy Equipment Sales, Rental, Service and/or Repair/Contractor's Office, Shop and/or Yard are permitted by right in the CI and I Districts and are permitted by special exception in the RA District, subject to the following:

- A. These uses may include sales, rental, service and repair of excavation machinery, commercial trucks, farm equipment, excavation equipment, trailers and other similar machinery.

Section 14. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the first sentence of the following subpart, to read:

265-660. RECREATION FACILITIES (INDOOR)

Recreation Facilities (Indoor) are permitted by right in the MRC, CS, CI, CO and I Districts, subject to the following...

Section 15. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-660. RESIDENTIAL CONSERVATION DEVELOPMENT

- C. Required Open Space
 - 4. Future subdivision or development of required open space shall be prohibited. The following uses are permitted for required open space:
 - g. The following stormwater BMPs are permitted within required Open Spaces with the approval of the Township Engineer:
 - (BMP 6.4.4) Infiltration Trench
 - (BMP 6.8.1) Level Spreader
 - (BMP 6.4.8) Vegetated Swale
 - (BMP 6.4.10) Infiltration Berm & Retentive Grading
 - (BMP 6.4.5) Rain Garden/Bioretenion
 - (BMP 6.6.1) Constructed Wetland

Section 16. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-668. SELF- SERVICE STORAGE FACILITY

- A. Parking for Self-Service Storage Facilities where units are immediately adjacent to an access drive may be provided within parking/driving lanes adjacent to the buildings. These lanes shall be a minimum of twenty (20) feet wide when cubicles open onto one side of the lane only and a minimum of twenty-four (24)

feet wide where cubicles open onto both sides of the lane. Self-Service Storage Facilities where units are not immediately adjacent to an access drive shall provide parking for loading/unloading separate from the access drives in accordance with Section 265-806.

Section 17. Article 6, Specific Regulations, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following subpart:

265-669. SHOOTING RANGE (OUTDOOR), COMMERCIAL

Commercial Shooting Ranges (Outdoor) are permitted by special exception in the RA District, subject to the following:

Section 18. Article 11, Definitions, of the York Township Zoning Ordinance is hereby amended, in part, by the addition of the following, in alphabetical order:

Contractor Office, Shop and/or Yard: Offices, shop and/or yard for tradesmen, such as building, plumbing, cement, electrical, painting, mechanical or roofing contractors.

Utility Trailer: A trailer of any width, length or weight and which is utilized for transporting goods, equipment, business and commercial tools and equipment, vehicles, yard waste, refuse and rubbish.

Section 19. Article 11, Definitions, of the York Township Zoning Ordinance is hereby amended, in part, by the amendment of the following:

Recreational Vehicle: A vehicular type unit that can be towed, hauled or driven and is designed as temporary living accommodation for camping or travel use, or for recreational uses which may include personal watercraft, snowmobiles, all-terrain vehicles, and other similar vehicles and trailers used to transport recreational vehicles.

Section 20. Severability.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid. In such case, all provisions of this Ordinance that were not declared invalid shall continue to be separately and fully effective. The Board of Commissioners hereby declares that it would have passed all other parts of this Ordinance, without including any part declared invalid, if it had advance knowledge that such part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the York Township Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for York Township.

Section 21. Procedural Defects in Enactment.

Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in Pennsylvania law.

Section 22. Repealer.

Any Township ordinance or parts thereof that are inconsistent or incompatible herewith are repealed to the extent of such inconsistency or incompatibility. This repealer clause shall only repeal Township ordinances or parts thereof that were adopted prior to this Ordinance and that are clearly in direct conflict with this Ordinance.

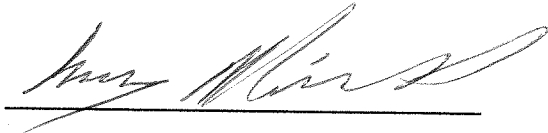
Section 23. Enactment.

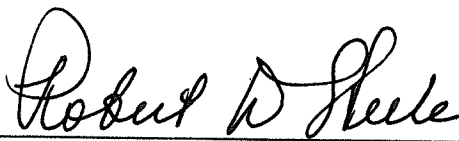
This Ordinance shall become effective in 5 calendar days.

ENACTED AND ORDAINED THIS 14th day of March, 2023.

ATTEST:

YORK TOWNSHIP BOARD OF
COMMISSIONERS



By: 

(SEAL)