



# YORK TOWNSHIP ZONING ORDINANCE

Ordinance 2012-13

Adopted 9/11/2012

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Ordinance 2013-8 10/28/2013

Ordinance 2014-7 11/11/2014

Ordinance 2017-1 5/09/2017

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Jurisdiction*

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**ARTICLE 1**

**TITLE, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES AND JURISDICTION**

**SECTION 265-101. LONG TITLE**

The York Township Board of Commissioners Ordinance No. 2012-13 is entitled "An Ordinance Regulating and Restricting: The Use of Land, Waters of this Commonwealth; the Size, Height, Bulk, Location, Erection, Construction, Repair, Maintenance, Alteration, Razing, Removal and Use of Structures; Areas and Dimensions of Land and Waters of this Commonwealth to be Occupied by Uses and Structures, as Well as Areas, Courts, Yards and Other Open Spaces and Distances to be Left Unoccupied by Uses and Structures; Density of Population and Intensity of Use; and for These Purposes, Establishing Districts and Boundaries, Providing for the Correction of Certain Nonconforming Structures Within Certain Time Periods and Designating and Regulating Residential, Public and Quasi-Public, Commercial, Industrial and Farming Uses Within Such Districts and Boundaries, Providing for the Administration and Enforcement of this Ordinance, and Penalties for the Violation Thereof."

**SECTION 265-102. SHORT TITLE**

This chapter, which shall be Chapter 265 of the York Township Code, shall be known as the "York Township Zoning Ordinance of 2012."

**SECTION 265-103. PURPOSE**

- A. This Ordinance is enacted for the following purposes:
1. To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, density of population, the provision of adequate light and air, vehicle parking and loading, transportation, water supply, sewage disposal, schools, public grounds and other public requirements;
  2. To prevent the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood or other dangers;
  3. To preserve prime agricultural land, promote the establishment of Agricultural Security Areas, and protect historic and natural resources;
  4. To provide for the use of land within the Township for a variety of residential housing types, including all basic forms of housing, multi-family dwellings in various arrangements, and manufactured/mobile homes and manufactured/mobile home parks;
  5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

# *Article 1 - Title, Purpose, Community Development Objectives and Jurisdiction*

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- B. This Zoning Ordinance has been prepared in accordance with the Township Comprehensive Plan and with consideration for the character of York Township, its various districts and their suitability for particular uses and structures.
- C. This Ordinance is a living document and is intended to be continually reviewed and updated to enhance the quality of life for Township residents.

## **SECTION 265-104. COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance has been adopted to aid in the carrying out of the community development objectives of the Township as contained in the Comprehensive Plan which include but are not limited to the following:

- A. Provide for the public health, safety and general welfare of the residents of the Township.
- B. Permit and encourage residential development with a range of housing types and densities in areas that are served or planned to be served by public utilities and transportation facilities.
- C. Establish a district that provides for mixed residential, commercial, office, institutional and open space uses.
- D. Permit and encourage commercial and industrial development which incorporates community amenities and resources in areas that are served or planned to be served by public utilities and major thoroughfares with consideration of the impact on the existing transportation network.
- E. Conserve natural resource areas, environmentally sensitive areas and agricultural lands.
- F. Reduce the impacts of development to the agricultural uses and environmental resources outside of the Urban Growth Boundary.
- G. Implement all provisions of the York Township Comprehensive Plan as may be adopted from time to time by the Commissioners, which shall be part of the community development objectives.

## **SECTION 265-105. EFFECT OF ESTABLISHMENT**

Following the effective date of this Ordinance and except as hereinafter provided:

- A. No building shall be erected, moved, razed, demolished, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this Ordinance for the district in which such building or land is located.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

## *Article 1 - Title, Purpose, Community Development Objectives and Jurisdiction*

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- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this Ordinance for the district in which said lot is located.
- D. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all provisions of this Ordinance.
- E. Nothing contained in this Ordinance shall require any change in the plans, construction or designated use of a building complying with local laws in force prior to this Ordinance if the following is found to exist:
  - 1. A building permit shall have been duly issued prior to the date of the first publication of notice of intent to hold a public hearing dealing with the adoption of this Ordinance.
  - 2. The entire building shall have been constructed in accordance with such plans as have been filed with the Township and shall have been completed within one (1) year from the effective date of this Ordinance.

### **SECTION 265-106. REVIEW**

All development shall be subject to the provisions and requirements delineated in the York Township Subdivision and Land Development Ordinance, as amended.

### **SECTION 265-107. INTERPRETATION OF PROVISIONS**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements for the promotion of public health, safety or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards for the promotion and protection of the health and safety of the people, shall govern.

Unless otherwise expressly stated, the succeeding shall, for the purposes of this Ordinance, be interpreted in the following manner:

- A. Words used in the present tense imply the future tense, and vice versa.
- B. Words used in the singular imply the plural, and vice versa.
- C. Words of masculine gender include feminine gender, and vice versa.
- D. The words and abbreviations “include”, “includes,” “including,” “shall include,” “such as,” and “e.g.” are not limited to the specific example(s) given but are intended to extend the word’s or words’ meaning(s) to all other instances of like kind and character.
- E. The words “person”, “applicant”, or “developer” include; a partnership, corporation, or other legal entity, as well as an individual.

*Article 1 - Title, Purpose, Community Development Objectives and  
Jurisdiction*

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- F. The words “shall”, “required”, or “must” are mandatory; the words “may” and “should” are permissive.

**SECTION 265-108. GRANT OF POWER**

Section 601 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) authorizes the Commissioners to implement comprehensive plans or accomplish any of the purposes of Act 247 by enacting a zoning ordinance.

**ARTICLE 2**  
**REFERENCES**

The following References are to be used in conjunction with the York Township Zoning Ordinance. For purposes of this Ordinance, references below shall be read to require compliance with the provisions of the most current versions of same, as such versions become effective. All applications submitted for approval under the provisions of this Ordinance shall utilize the references listed below:

**SECTION 265-201. YORK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

The Ordinance sets forth the requirements for the design and construction of subdivision and land development within the Township.

**SECTION 265-202. PENNSYLVANIA MUNICIPALITIES PLANNING CODE – ACT 247 OF 1968, AS AMENDED**

The Code provides the Commonwealth’s regulations for land use and development within the Township.

**SECTION 265-203. YORK TOWNSHIP COMPREHENSIVE PLAN UPDATE A SUSTAINABLE COMMUNITY PLAN**

The Plan identifies community goals and objectives, analysis of trends, a vision of future development and implementation strategies for the Township.

**SECTION 265-204. YORK TOWNSHIP FLOODPLAIN MANAGEMENT ORDINANCE**

The Ordinance sets forth the flood plain management requirements for land development, earth disturbance and/or building within the Township.

**SECTION 265-205. YORK TOWNSHIP STORMWATER MANAGEMENT ORDINANCE**

The Ordinance sets forth stormwater management requirements for land development, earth disturbance and/or building within the Township.

**SECTION 265-206. YORK TOWNSHIP TRANSPORTATION IMPACT FEE ORDINANCE**

The Ordinance sets forth transportation impact fee requirements for land development within designated areas of the Township.

**SECTION 265-207. YORK TOWNSHIP CONSTRUCTION MATERIALS & SPECIFICATIONS**

The Specifications set forth the requirements for the design and construction of all public improvements within the Township.

**SECTION 265-208. YORK TOWNSHIP WATER & SEWER AUTHORITY  
CONSTRUCTION AND MATERIAL SPECIFICATIONS FOR SANITARY SEWERS AND  
PLAN, DESIGN, AND CONSTRUCTION STANDARDS FOR SANITARY SEWERS**

The Specifications set forth the requirements for the design and construction of all sanitary sewers within the Township.

**SECTION 265-209. YORK TOWNSHIP COMPREHENSIVE RECREATION, PARKS AND  
GREENWAY PLAN**

The Plan provides guidance on parks, facilities, open space, recreation programs, operations and financing within the Township.

**SECTION 265-210. YORK TOWNSHIP FEE SCHEDULE RESOLUTION**

The Resolution provides periodic updates of fees charged by the Township.

**SECTION 265-211. YORK TOWNSHIP OFFICIAL MAP ORDINANCE**

The Map is a planning tool for potential future public improvements within the Township.

**SECTION 265-212. INTERNATIONAL FIRE CODE**

The Code sets forth the minimum standards for fire safety.

**ARTICLE 3**  
**DESIGNATION OF ZONING DISTRICTS**

**SECTION 265-301. ESTABLISHMENT OF ZONING DISTRICTS**

The Township is divided into the zoning districts enumerated below and shown on the map titled "Zoning Map of York Township," which map is a part of this Ordinance.

- A. Residential Districts
  - RL Residential - Low Density
  - RM Residential - Medium Density
  - RH Residential - High Density
  - RA Residential Agricultural
- B. Mixed Use District
  - MRC Mixed Residential - Commercial
- C. Commercial Districts
  - CO Commercial - Office
  - CS Commercial - Shopping
  - CI Commercial - Industrial
- D. Industrial District
  - I Industrial

**SECTION 265-302. BOUNDARIES OF DISTRICTS**

The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way and streams at the 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 district, 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 265-303. INTERPRETATION OF PROVISIONS**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety or general welfare.

**SECTION 265-304. ALL OTHER USES**

- A. Any use not specifically allowed elsewhere in this Ordinance shall be allowed by special exception only in the district or districts where and to the extent that similar uses are permitted or allowed by special exception, provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance.



## *Article 3 - Designation of Zoning Districts*

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- B. The applicant must show that the use proposed is similar to other uses permitted or allowed by special exception and must further show that the proposed use will not constitute a public or private nuisance or violate any other provisions of this Ordinance.

### **SECTION 265-305. APPLICABILITY**

The uses allowed in each District shall be subject to the general and specific regulations of this Ordinance.

**ARTICLE 4  
ZONING DISTRICTS**

**SECTION 265-401. RESIDENTIAL–LOW DENSITY (RL) DISTRICT**

A. Purpose

The purpose of the RL District is to provide low-density residential standards at maximum densities of three (3) dwelling units per acre (based on the Net Lot Area) for the orderly expansion of suburban-type residential development in sections of the Township within the Urban Growth Boundary where the installation of public facilities can be supplied; to provide areas for single-family construction designed to preserve environmentally sensitive areas and open space for those who prefer to reside in such an environment; to prevent the overcrowding of land; to exclude activities not compatible with residential development; and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied for any of the following uses:

1. Dwelling, Single-Family Detached
2. Residential Conservation Development, see Section 265-660
3. Cemetery, see Section 265-616
4. Forestry (Timber Harvesting), see Section 265-632
5. Group Home, see Section 265-637
6. House of Worship, see Section 265-643
7. Municipal Park, Playground and/or Recreation Area, see Section 265-650
8. School, Public/Private, see Section 265-666
9. Accessory uses on the same lot and customarily incidental to any of the above permitted uses including: (additional regulations found in Article 5-General Regulations and/or Article 6-Specific Regulations)
  - a. No Impact Home-Based Business
  - b. Bus Shelter
  - c. Deck and/or Patio
  - d. Communication Antenna, Accessory
  - e. Gazebo, Pergola, Greenhouse
  - f. Seasonal Roadside Stand
  - g. Solar and/or Geothermal
  - h. Shed and/or Detached Garage
  - i. Swimming Pool

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

- 1. Bed-and-Breakfast Inn
- 2. Communications Antenna, Tower and Equipment
- 3. Essential Services
- 4. Farm Market/Farm Co-op
- 5. Golf Course/Facility
- 6. Public/Semi-Public Building and Use
- 7. Recreation Facility (Outdoor)
- 8. Roadside Market
- 9. The following accessory uses:
  - a. Accessory Unit, Single Bedroom
  - b. Alternative Energy System (excluding solar and/or geothermal)
  - c. Day-Care, In Home
  - d. Domiciliary Care Home
  - e. Home Occupation
  - f. Noncommercial Keeping of Livestock

D. Minimum Building Setbacks

Except as may be modified in Article 6, minimum setbacks for uses permitted in this district are:

- 1. Front - twenty-five (25) feet
- 2. Side - fifteen (15) feet
- 3. Rear - twenty-five (25) feet
- 4. Accessory Structures shall be set back a minimum of six (6) feet from side and rear property lines. Accessory Structures are not permitted in the front yard unless setback 100 feet from the street right-of-way.

E. Maximum Building Height

- 1. Principal Buildings - thirty-five (35) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.

2. Accessory Buildings/Structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.
- F. Lot Area, Width and Frontage Requirements
1. Minimum Net Lot Area shall be 11,500 square feet.
  2. The minimum lot width of any lot shall be 100 feet as measured at the front building setback line.
  3. The minimum lot frontage of any lot as measured at the street right-of-way line shall be seventy-five (75) feet.
- G. Lot coverage for all uses shall not exceed forty (40) percent of Net Lot Area.

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**SECTION 265-402. RESIDENTIAL–MEDIUM DENSITY (RM) DISTRICT**

A. Purpose

The purpose of the RM District is to provide for the orderly expansion of suburban-type residential development at maximum densities of five (5) dwelling units per acre (based on Net Lot Area) in areas which are or can be supplied with public facilities; to provide for the general welfare through the application of medium housing densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude activities not compatible with residential development; and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied for any of the following uses:

1. Dwelling, Single-Family Detached
2. Dwelling, Single-Family Semidetached (each dwelling on individual lot)
3. Dwelling, Two-Family Detached (both dwellings on one lot)
4. Residential Conservation Development, see Section 265-660
5. Cemetery, see Section 265-616
6. Forestry (Timber Harvesting), see Section 265-632
7. Group Home, see Section 265-637
8. House of Worship, see Section 265-643
9. Municipal Park, Playground and/or Recreation Area, see Section 265-649
10. School, Public/Private, see Section 265-665
11. Accessory uses on the same lot and customarily incidental to any of the above permitted uses including: (additional regulations found in Article 5-General Regulations and/or Article 6-Specific Regulations)
  - a. No Impact Home-Based Business
  - b. Bus Shelter
  - c. Communications Antenna, Accessory
  - d. Deck and/or Patio
  - e. Gazebo, Pergola, Greenhouse
  - f. Seasonal Roadside Stand
  - g. Shed and/or Detached Garage
  - h. Solar and/or Geothermal
  - i. Swimming Pool

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Age Restricted Community
2. Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility
3. Bed-and-Breakfast Inn
4. Communications Antenna, Tower and Equipment
5. Conversion Apartment
6. Essential Services
7. Farm Market/Farm Co-op
8. Golf Course/Facility
9. Public/Semi-Public Buildings and Use
10. Recreation Facility (Outdoor)
11. Roadside Market
12. The following accessory uses:
  - a. Accessory Unit, Single Bedroom
  - b. Alternative Energy System (excluding solar and/or geothermal)
  - c. Day-Care, In Home
  - d. Domiciliary Care Home
  - e. Home Occupation
  - f. Non-Commercial Keeping of Livestock

D. Minimum Setbacks

Except as may be modified in Article 6, minimum setbacks for uses permitted in this district are:

1. Residential uses:
  - a. Front - twenty (20) feet
  - b. Side - ten (10) feet (Single-Family Semidetached requires only one side setback per dwelling unit)
  - c. Rear - twenty-five (25) feet
  - d. Accessory structures shall be set back a minimum of six (6) feet from side and rear property lines. Accessory structures are not permitted in the front yard unless setback 100 feet from the street right-of-way.
2. Non-residential uses (including accessory structures for non-residential uses):
  - a. Front - fifty (50) feet

- b. Side - fifty (50) feet
- c. Rear - fifty (50) feet

E. Maximum Building Height

- 1. Principal buildings - thirty-five (35) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
- 2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.

F. Lot Area, Width, Frontage and Coverage Requirements

**Table 4.A**

<b>Uses</b>	<b>Minimum Net Lot Area (square feet)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Lot Frontage (feet)</b>	<b>Maximum Net Lot Area Coverage</b>
<b>Single Family Detached</b>	10,000	100	75	40%
<b>Single Family Semidetached</b>	7,500	65	50	40%
<b>Two-Family Detached</b>	10,000	100	75	40%
<b>Non-Residential Uses</b>	10,000	100	75	40%

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**SECTION 265-403. RESIDENTIAL–HIGH DENSITY (RH) DISTRICT**

A. Purpose

The purpose of the RH District is to provide for the orderly expansion of urban-type residential development at a maximum density of nine (9) dwelling units per acre (based on Net Lot Area) in areas which are or could feasibly be supplied with public facilities, to provide for the general welfare through the application of higher residential densities and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied for any of the following uses:

1. Dwelling, Single-Family Detached
2. Dwelling, Single-Family Semidetached (each dwelling on individual lot)
3. Dwelling, Two-Family (both dwellings on one lot)
4. Dwelling, Single-Family Attached (townhomes on individual lots)
5. Residential Conservation Development, see Section 265-660
6. Cemetery, see Section 265-616
7. Forestry (Timber Harvesting), see Section 265-632
8. Group Home, see Section 265-637
9. House of Worship, see Section 265-643
10. Municipal Park, Playground and/or Recreation Area, see Section 265-650
11. School, Public/Private, see Section 265-666
12. Accessory use on the same lot with and customarily incidental to any of the above permitted uses including: (additional regulations found in Article 5 General Regulations or Article 6 Specific Regulations):
  - a. No Impact Home-Based Business
  - b. Bus Shelter
  - c. Communication Antenna, Accessory
  - d. Deck and/or Patio
  - e. Gazebo, Pergola, Greenhouse
  - f. Seasonal Roadside Stand
  - g. Solar and/or Geothermal
  - h. Shed and/or Detached Garage
  - i. Swimming Pool

C. Special Exception Uses



The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Age Restricted Community
2. Assisted Living/Personal Care/Skilled Nursing/Congregate Senior Living Facility
3. Bed-and-Breakfast Inn
4. Communications Antenna, Tower and Equipment
5. Conversion Apartment
6. Day-Care Center, Child or Adult
7. Dwelling, Multi-Family (townhomes, apartments and/or condominiums on a single lot)
8. Essential Services
9. Farm Market/Farm Co-op
10. Golf Course/Facility
11. Manufactured/Mobile Home Park
12. Public/Semi-Public Building and Use
13. Recreation Facility (Outdoor)
14. Roadside Market
15. The following accessory uses:
  - a. Home Occupation
  - b. Accessory Unit, Single Bedroom
  - c. Alternative Energy System (excluding solar and/or geothermal).
  - d. Day-Care, In Home
  - e. Domiciliary Care Home

D. Minimum Setbacks

Except as may be modified in Article 6, minimum setbacks for uses permitted in this district are:

1. Residential uses:
  - a. Front - twenty (20) feet
  - b. Side - ten (10) feet (Single-Family Semidetached requires only one side setback per dwelling unit; Single-Family Attached side setbacks required for end units only)
  - c. Rear - twenty-five (25) feet

- d. Accessory structures shall be set back a minimum of six (6) feet from side and rear property lines. Accessory structures are not permitted in the front yard unless setback 100 feet from the street right-of-way.
  - 2. Non-residential uses (including accessory structures for non-residential uses):
    - a. Front - fifty (50) feet
    - b. Side - fifty (50) feet
    - c. Rear - fifty (50) feet
- E. Maximum Building Height
- 1. Principal buildings - thirty-five (35) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
  - 2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.
- F. Lot Area, Width, Frontage and Coverage Requirements

**Table 4.B**

<b>Uses</b>	<b>Minimum Net Lot Area (square feet)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Lot Frontage (feet)</b>	<b>Maximum Net Lot Area Coverage</b>
<b>Single Family Detached</b>	5,000	50	40	60%
<b>Single Family Semidetached</b>	4,000	40	40	60%
<b>Two-Family Detached</b>	5,000	50	40	60%
<b>Single Family Attached</b>	2,000	20	20	60%
<b>Non-Residential Uses</b>	10,000	100	75	60%

- G. Single-Family Attached dwellings shall have no more than eight (8) connected units.

**SECTION 265-404. RESIDENTIAL AGRICULTURAL (RA) DISTRICT**

A. Purpose

The purpose of the RA District is to protect areas of the Township outside of the Urban Growth Boundary (UGB) where public facilities are not scheduled for installation and areas inside the UGB where public facilities may not be currently available or accessible; to protect areas where environmental conditions are such that development would cause irreparable damage; to protect areas with highly productive soils; protect areas where agriculture remains strong and to allow residential development in rural settings. The district is established to protect and stabilize agriculture as an ongoing economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support thereof and those uses which are rural in nature or are not compatible with more dense residential uses and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied for any of the following uses:

1. Dwelling, Single-Family Detached
2. Agricultural Operation
3. Residential Conservation Development, see Section 265-660
4. Cemetery, see Section 265-616
5. Forestry (Timber Harvesting), see Section 265-632
6. Group Home, see Section 265-637
7. Municipal Park, Playground and/or Recreation Area, see Section 265-649
8. House of Worship, see Section 265-643
9. Animal Shelter and/or Rescue
10. Landscape Business/Landscape Yard, see Section 265-644
11. School, Public/Private, see Section 265-665
12. Hunting and/or Fishing Preserve
13. Winery
14. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses: (additional regulations found in Article 5-General Regulations and/or Article 6-Specific Regulations)
  - a. No Impact Home-Based Business
  - b. Bus Shelter
  - c. Agricultural Outbuilding
  - d. Communication Antenna, Accessory

- e. Deck and/or Patio
- f. Gazebo, Pergola, Greenhouse
- g. Non-Commercial Keeping of Livestock
- h. Seasonal Roadside Stand
- i. Shed and/or Detached Garage
- j. Solar and/or Geothermal
- k. Swimming Pool

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

- 1. Accessory Farm Dwelling
- 2. Airport/Heliport
- 3. Agribusiness
- 4. Bed-and-Breakfast Inn
- 5. Camp/Campground
- 6. Commercial Greenhouse, Nursery and/or Garden Center
- 7. Commercial Kennel and Animal Hospital with Accessory Kennel Facility
- 8. Commercial Alternative Energy Facility
- 9. Commercial Riding Stable
- 10. Communications Antenna, Tower and Equipment
- 11. Essential Services
- 12. Farm Occupation
- 13. Farm Market/Farm Co-op
- 14. Golf Course/Facility
- 15. Helipad
- 16. Heavy Equipment Sales, Rental, Service and/or Repair Facility/Commercial Contractor
- 17. Home Occupation
- 18. Outdoor Race Track
- 19. Public/Semi-Public Building and Use
- 20. Recreation Facility (Outdoor)

21. Roadside Market
22. Rooming House
23. Shooting Range (Outdoor), Commercial
24. Social/Fraternal Club or Organization
25. The following accessory uses:
  - a. Accessory Unit, Single Bedroom
  - b. Alternative Energy Use (excluding solar and/or geothermal)
  - c. Day-Care, In Home
  - d. Domiciliary Care Home
  - e. Home Occupation

D. Minimum Setbacks

Except as may be modified in Article 6, minimum setbacks for uses permitted in this district are:

1. Residential uses:
  - a. Front - fifty (50) feet
  - b. Side - twenty-five (25) feet
  - c. Rear - forty (40) feet
  - d. Accessory structures shall be setback a minimum of six (6) feet from side and rear property lines. Accessory structures are not permitted in the front yard unless setback 100 feet from the street right-of-way.
2. Non-residential uses (including accessory structures):
  - a. Front - fifty (50) feet
  - b. Side - fifty (50) feet
  - c. Rear - fifty (50) feet
3. Special setback requirements:
  - a. Slaughtering and/or composting of animals shall not be allowed within 300 feet of a residential use or residential property line.
  - b. Storing/processing of manure shall not be allowed within 100 feet of any property line.
  - c. Agricultural outbuildings shall be setback a minimum 100 feet from any residential property line, and fifty (50) feet from any non-residential property line.

E. Maximum building height

1. Principal buildings - forty-five (45) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
  2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.
  3. Agricultural outbuildings - ninety (90) feet.
- F. Lot Area, Width and Frontage Requirements
1. Minimum lot area shall be three (3) acres for all uses unless otherwise stipulated in Article 5.
  2. Minimum lot width shall be 200 feet as measured at the building setback line.
  3. Minimum lot frontage shall be 180 feet as measured at the street right-of-way line.
- G. Lot coverage for all uses shall not exceed thirty (30) percent of Net Lot Area.

(Remainder of page intentionally left blank)

**SECTION 265-405. MIXED RESIDENTIAL COMMERCIAL (MRC) DISTRICT**

A. Purpose

The purpose of the MRC District is to provide standards for the development of neighborhood commercial uses intermixed with residential uses, designed to meet the daily needs of Township residents in areas which are or could feasibly be supplied with public facilities, to provide for the general welfare of Township residents and to otherwise create conditions conducive to carrying out the purposes of the Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied, for any of the following uses:

1. Dwelling, Single-Family Detached
2. Dwelling, Single-Family Semidetached (each dwelling on individual lot)
3. Dwelling, Single-Family Attached (townhomes on individual lots)
4. Dwelling, Two-Family Detached (both dwellings on one lot)
5. Bank and Similar Financial Institution
6. Cemetery - see Section 265-616
7. Coffee or Tea Shop
8. Day-Care Center, Child or Adult – see Section 265-626
9. Forestry (Timber Harvesting) - see Section 265-632
10. Funeral Home - see Section 265-634
11. Group Home - see Section 265-637
12. House of Worship - see Section 265-643
13. Laundromat/Laundry/Dry Cleaning Service - see Section 265-645
14. Medical Office
15. Municipal Park, Playground and/or Recreation Area - see Section 265-650
16. Offices - professional, business (building not to exceed 10,000 s.f.)
17. Personal Service
18. School, Public/Private - see Section 265-666
19. Recreation Facility (Indoor) – see Section 265-655
20. Restaurant/Restaurant-Take Out - see Section 265-661
21. Retail Store (building not to exceed 10,000 s.f.)
22. Veterinary Office

23. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses including: (additional regulations found in Article 5-General Regulations or Article 6-Specific Regulations)
  - a. No Impact Home-Based Business
  - b. Automated Teller Machine
  - c. Bus Shelter
  - d. Communications Antenna, Accessory
  - e. Deck and/or Patio
  - f. Drive Through Facility
  - g. Gazebo, Pergola, Greenhouse
  - h. Outdoor Seating Area
  - i. Seasonal Roadside Stand
  - j. Seasonal Sale
  - k. Shed and/or Detached Garage
  - l. Solar and/or Geothermal
  - m. Swimming Pool
  - n. Temporary Use

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Dwelling, Multi-Family (townhomes, apartments and/or condominiums on a single lot)
2. Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility
3. Bed-and-Breakfast Inn
4. Commercial Greenhouse, Nursery and/or Garden Center
5. Communications Antenna, Tower and Equipment
6. Conversion Apartment
7. Essential Services
8. Farm Market/Farm Co-op
9. Golf Course/Facility
10. Hotel/Motel
11. Public/Semi-Public Building and Use
12. Recreation Facility (Outdoor)



13. Roadside Market
14. Rooming House
15. The following accessory uses:
  - a. Home Occupation
  - b. Alternative Energy System (excluding solar and/or geothermal)
  - c. Apartment/Residence in Conjunction with a Commercial Use
  - d. Day Care, In Home
  - e. Domiciliary Care Home
  - f. Accessory Unit, Single Bedroom

D. Minimum Setbacks

Except as may be modified in Article 6, minimum setbacks for uses permitted in this District are:

1. Residential uses:
  - a. Front - twenty (20) feet
  - b. Side - ten (10) feet (Single-Family Semidetached requires only one side setback per dwelling unit; Single-Family Attached side setbacks required for end units only)
  - c. Rear - fifteen (15) feet
  - d. Accessory structures shall be set back a minimum of six (6) feet from side and rear property lines. Accessory structures are not permitted in the front yard unless setback 100 feet from the street right-of-way line.
2. Non-residential uses (including mixed use units and accessory structures for non-residential uses):
  - a. Front – twenty (20) feet
  - b. Side – twenty (20) feet
  - c. Rear – twenty (20) feet

E. Density

1. For tracts ten (10) acres or less Gross Lot Area, the maximum residential use density shall be nine (9) units per acre, based upon Net Lot Area.
2. For tracts greater than ten (10) acres Gross Lot Area, a mix of residential and commercial uses shall be provided based upon Net Lot Area, as follows:

Commercial, including commercial element of a mixed use unit – ten (10) to 100 percent

Residential, including residential element of a mixed use unit – five (5) units per acre based upon Net Lot Area, less areas dedicated to Commercial uses.

**B. Maximum Building Height**

1. Principal buildings - forty-five (45) feet, but not exceed three (3) stories that are entirely above-grade. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.

**C. Lot Area, Width, Frontage and Coverage Requirements**

**Table 4.C**

<b>Uses</b>	<b>Minimum Net Lot Area (square feet)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Lot Frontage (feet)</b>	<b>Maximum Net Lot Area Coverage</b>
<b>Non-residential Uses</b>	5,000	40	40	60%
<b>Single Family Detached</b>	4,000	40	40	60%
<b>Single Family Semidetached</b>	3,000	30	30	60%
<b>Two-Family Detached</b>	4,000	40	40	60%
<b>Single Family Attached</b>	2,000	20	20	60%
<b>Mixed Use Units</b>	1,800	20	20	75%

**SECTION 265-406. COMMERCIAL OFFICE (CO) DISTRICT**

A. Purpose

The purpose of the CO District is to provide standards for the development of business/professional and commercial offices and services designed to meet the daily needs of Township residents; to ensure a sustainable business environment and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied, for any of the following uses:

1. Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility - see Section 265-609
2. Bank and Similar Financial Institution
3. Coffee or Tea Shop
4. Day Care Center, Child or Adult - see Section 265-626
5. Essential Services - see Section 265-629
6. Forestry (Timber Harvesting) - see Section 265-632
7. Funeral Home - see Section 265-634
8. Laundromat/Laundry/Dry Cleaning Service - see Section 265-645
9. Medical Center, Medical Office, Medical Research Facility
10. Municipal Park, Playground and/or Recreation Area - see Section 265-650
11. Museum or Similar Cultural Facility
12. Office - Professional, Business
13. Personal Service
14. Retail Store (building not to exceed 20,000 s.f.)
15. Recreation Facility (Indoor) – see Section 265-655
16. Restaurant/Restaurant Take Out - see Section 265-660
17. School, Commercial or College/University - see Section 265-665
18. Social/Fraternal Club or Organization - see Section 265-671
19. Strip Center - see Section 265-673
20. Theater and Meeting Facility
21. Veterinary Office

22. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses including: (additional regulations found in Article 5-General Regulations or Article 6-Specific Regulations)
  - a. Automated Teller Machine
  - b. Bus Shelter
  - c. Communications Antenna, Accessory
  - d. Drive Through Facility
  - e. Outdoor Seating Area
  - f. No Impact Home-Based Business
  - g. Seasonal Roadside Stand
  - h. Seasonal Sales
  - i. Shed and/or Detached Garage, Gazebo, Pergola, Greenhouse
  - j. Solar and/or Geothermal
  - k. Temporary Use

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Age Restricted Community
2. Communications Antenna, Tower and Equipment
3. Farm Market/Farm Co-op
4. Golf Course/Facility
5. Hospital
6. Hotel/Motel
7. Public/Quasi-Public Parking Lot and/or Garage
8. Public/Semi-Private Building and Use
9. Rehabilitation/Therapy Facility
10. Roadside Market
11. The following accessory uses:
  - a. Alternative Energy System (excluding solar and/or geothermal)
  - b. Day Care, In Home
  - c. Domiciliary Care Home
  - d. Helipad
  - e. Home Occupation

D. Minimum Setbacks

Except as may be modified in Article 6, minimum setbacks for principal and accessory uses permitted in this district are:

- 1. Front - twenty-five (25) feet
- 2. Side - ten (10) feet
- 3. Rear - twenty (20) feet

E. Maximum Building Height

- 1. Principal buildings - forty-five (45) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
- 2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.

F. Lot Area, Width and Frontage Requirements

- 1. Minimum Net Lot Area required is 10,000 s.f. for all uses unless otherwise stipulated in Article 6 Specific Regulations.
- 2. Minimum lot width required is 100 feet as measured at the building setback line.
- 3. Minimum lot frontage required is eighty (80) feet as measured at the street right-of-way line.

G. Lot coverage for all uses shall not exceed seventy-five (75) percent of Net Lot Area.

H. Waiver of Side Yards

Two side yards are required, 10 feet wide for each side of a principal building. No side yards shall be required where two or more non-residential uses abut side to side and both buildings shall meet the requirements of Section 523 of the SALDO, provided that a written agreement between the adjoining landowners involved is presented to the Township, approved by the Township Solicitor and recorded in the office of the Recorder of Deeds for York County, PA.

(Remainder of page intentionally left blank)

**SECTION 265-407. COMMERCIAL SHOPPING (CS) DISTRICT**

A. Purpose

The purpose of the CS district is to provide reasonable standards for the development of areas for retail shopping and services designed to meet the daily needs of Township residents; to ensure a sustainable business environment and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied, for any of the following uses:

1. Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility - see Section 265-609
2. Bank and Similar Financial Institution
3. Car Wash - see Section 265-615
4. Coffee or Tea Shop
5. Convenience Store (without fuel dispensing) - see Section 265-623
6. Day Care Center, Child or Adult - see Section 265-626
7. Essential Services - see Section 265-629
8. Forestry (Timber Harvesting) - see Section 265-632
9. Funeral Home - see Section 265-634
10. House of Worship - see Section 265-643
11. Laundromat/Laundry/Dry Cleaning Service - see Section 265-645
12. Medical Center, Medical Office, Medical Research Facility
13. Municipal park, Playground and/or Recreation Area - see Section 265-649
14. Museum and/or Similar Cultural Facility
15. Office - Professional, Business
16. Personal Service
17. Radio/Television Transmitting Facility
18. Recreation Facility (Indoor) - see Section 265-655
19. Recreation Facility (Outdoor) - see Section 265-656
20. Retail Store
21. Restaurant; Restaurant, Take Out; Restaurant, Fast Food - see Section 265-661
22. Rooming House - see Section 265-663

23. School, Commercial or College/University - see Section 265-665
24. Shopping Center/Shopping Mall - see Section 265-670
25. Social/Fraternal Club or Organization - see Section 265-671
26. Strip Center - see Section 265-673
27. Theater and/or Meeting Facility
28. Transportation Passenger Terminal - see Section 265-674
29. Veterinary Office
30. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses including; (additional regulations found in Article 5-General Regulations and Article 6-Specific Regulations).
  - a. Automated Teller Machine
  - b. Bus Shelter
  - c. Communication Antenna, Accessory
  - d. Drive Through Facility
  - e. No Impact Home-Based Business
  - f. Outdoor Seating Area
  - g. Seasonal Roadside Stand
  - h. Seasonal Sales
  - i. Sheds, Detached Garage, Gazebo, Pergola, Greenhouse
  - j. Solar and/or Geothermal
  - k. Temporary Use

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Bar
2. Communication Antenna, Tower and Equipment
3. Commercial Greenhouse, Nursery and/or Garden Center
4. Convenience Store (with fuel dispensing)
5. Farm Market/Farm Co-op
6. Fuel Dispensing Station
7. Golf Course/Facility
8. Group Facility

9. Hospital
10. Hotel/Motel
11. Public/Quasi-public Parking Lot
12. Public/Semi-Public Building and Use
13. Rehabilitation/Therapy Facility
14. Roadside Market
15. Vehicle Sales, Repair and/or Inspection Facility
16. The following accessory uses:
  - a. Alternative Energy System (excluding solar and/or geothermal)
  - b. Day Care, In Home
  - c. Domiciliary Care Home
  - d. Home Occupation
  - e. Helipad
17. Vertical Self-Service Storage Facility

D. Minimum Setbacks

Except as may be modified in Article 6, *Specific Standards*, minimum setbacks for principal and accessory uses permitted in this district are:

1. Front - twenty-five (25) feet
2. Side - ten (10) feet
3. Rear - twenty (20) feet

E. Maximum Building Height

1. Principal buildings - forty-five (45) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.

F. Lot Area, Width and Frontage Requirements

1. Minimum Net Lot Area required is 10,000 s.f. for all uses unless otherwise stipulated in Article 6.
2. Minimum lot width required is 100 feet as measured at the building setback line.
3. Minimum lot frontage required is eighty (80) feet as measured at the street right-of-way line.



G. Lot coverage for all uses shall not exceed eighty-five (85) percent of Net Lot Area.

H. Waiver of Side Yards

Two side yards are required, 10 feet wide for each side of a principal building. No side yards shall be required where two or more non-residential uses abut side to side and both buildings shall meet the requirements of Section 523 of the SALDO, provided that a written agreement between the adjoining landowners involved is presented to the Township, approved by the Township Solicitor and recorded in the office of the Recorder of Deeds for York County, PA.

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**SECTION 265-408. COMMERCIAL INDUSTRIAL (CI) DISTRICT**

A. Purpose.

The purpose of the CI district is to provide reasonable standards for the development of areas for commercial and light manufacturing uses with special location and site requirements and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied, for any of the following uses:

1. Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility - see Section 265-609
2. Bank and Similar Financial Institution
3. Car Wash - see Section 265-615
4. Commercial Greenhouse, Nursery and/or Garden Center - see Section 265-617
5. Commercial Kennel and Animal Hospital with Accessory Kennel Facility - see Section 265-618
6. Convenience Store (without fuel dispensing) - see Section 265-623
7. Crematorium - see Section 265-625
8. Day Care Center, Child or Adult - see Section 265-626
9. Dry Cleaning Processing Plant
10. Essential Services - see Section 265-629
11. Forestry (Timber Harvesting) - see Section 265-632
12. Funeral Home - see Section 265-634
13. Heavy Equipment Sales, Rental, Service and/or Repair Facility/Contractor's Office, Shop and/or Yard - see Section 265-638
14. House of Worship - see Section 265-643
15. Laundromat/Laundry/Dry Cleaning Service - see Section 265-645
16. Lawn and Garden Sales and Service
17. Light and Custom Manufacturing
18. Manufactured/Mobile Home Sales
19. Medical Center, Medical Office, Medical Research Facility
20. Municipal Park, Playground and/or Recreation Area - see Section 265-650
21. Museum and/or Similar Cultural Facility

22. Offices - Professional, Business
23. Personal Service
24. Processing Facility, Animal (enclosed)
25. Radio/Television Transmitting Facility
26. Recreation Facility (Indoor) - see Section 265-655
27. Recreation Facility (Outdoor) - see Section 265-656
28. Retail Store
29. Restaurant, Restaurant Take Out, Restaurant Fast Food - see Section 265-660
30. Rooming House - see Section 265-663
31. School, Commercial or College/University - see Section 265-664
32. Shopping Center/Shopping Mall - see Section 265-670
33. Social/Fraternal Club or Organization - see Section 265-671
34. Strip Center - see Section 265-673
35. Theater and/or Meeting Facility
36. Transportation Passenger Terminal - see Section 265-674
37. Vehicle Sales, Repair, Service and/or Inspection Facility - see Section 265-676
38. Veterinary Office
39. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses including; (additional regulations found in Article 5-General Regulations or Article 6-Specific Regulations).
  - a. Automated Teller Machine
  - b. Bus Shelter
  - c. Communications Antenna, Accessory
  - d. Drive Through Facility
  - e. No Impact Home-Based Business
  - f. Outdoor Sales and Display
  - g. Outdoor Seating Area
  - h. Outdoor Storage for Commercial and/or Industrial Use
  - i. Seasonal Roadside Stand
  - j. Seasonal Sales
  - k. Shed, Detached Garage, Gazebo, Pergola, Greenhouse
  - l. Solar and/or Geothermal

m. Temporary Use

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Auction House/Outdoor Auction/Flea Market
2. Bar
3. Betting Establishment
4. Communication Antenna, Tower and Equipment
5. Convenience Store (with fuel dispensing)
6. Farm Market/Farm Co-op
7. Fuel Dispensing Station
8. Golf Course/Facility
9. Group Facility
10. Hospital
11. Hotel/Motel
12. Public/Semi-Public Building and Use
13. Public/Quasi-Public Parking Lot and/or Garage
14. Recycling Center or Plant
15. Rehabilitation/Therapy Facility
16. Research Facility and/or Laboratory
17. Roadside Market
18. Self-Service Storage Facility
19. The following accessory uses:
  - a. Alternative Energy Systems (excluding solar and/or geothermal)
  - b. Day Care, In Home
  - c. Domiciliary Care Home
  - d. Helipad
  - e. Home Occupation
  - f. Accessory Unit, Single Bedroom
20. Vertical Self-Service Storage Facility

- 4. Minimum Setbacks.  
Except as may be modified in Article 6, minimum setbacks for principal and accessory uses permitted in this district are:
  - 1. Front - twenty-five (25) feet
  - 2. Side - ten (10) feet
  - 3. Rear - twenty (20) feet
  
- 5. Maximum Building Height
  - 1. Principal buildings - forty-five (45) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
  - 2. Accessory buildings/structures - fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.
  
- 6. Lot Area, Width and Frontage Requirements
  - a. Minimum Net Lot Area required is 10,000 s.f. for all uses unless otherwise stipulated in Article 6.
  - b. Minimum lot width required is 100 feet as measured at the building setback line.
  - c. Minimum lot frontage required is eighty (80) feet as measured at the street right-of-way line.
  
- 7. Lot coverage for all uses shall not exceed ninety (90) percent of Net Lot Area.
  
- 8. Waiver of Side Yards  
Two side yards are required, 10 feet wide each side of a principal building. No side yards shall be required where two or more non-residential uses abut side to side and both buildings shall meet the requirements of Section 523 of the SALDO, provided that a written agreement between the adjoining landowners involved is presented to the Township, approved by the Township Solicitor and recorded in the office of the Recorder of Deeds for York County, PA.

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**SECTION 265-409. INDUSTRIAL (I) DISTRICT**

A. Purpose

The purpose of this district is to provide for a variety of manufacturing uses and employment opportunities for York Township; to utilize the land most suitable for industrial uses which is compatible with the surrounding land; to contribute to the soundness of the local economic base and to otherwise create conditions conducive to carrying out the purposes of this Section.

B. Permitted Uses

A building may be erected or used and a lot may be used or occupied, for any of the following uses:

1. Bulk Storage and Processing of Material (grain, petroleum, steel, rubber, and natural gas and similar products)
2. Car Wash - see Section 265-615
3. Commercial Kennel and Animal Hospital with Accessory Kennel Facility - see Section 265-618
4. Crematorium - see Section 265-625
5. Day Care Center, Child or Adult - see Section 265-626
6. Dry Cleaning Processing Plant
7. Essential Services - see Section 265-629
8. Forestry (Timber Harvesting) - see Section 265-632
9. Foundry, Steel Mill, Sawmill, Lime Kiln, Grain Mill
10. Fuel Dispensing Station - see Section 265-633
11. Heavy Equipment Sales, Rental, Service and/or Repair Facility/Contractor's Office, Shop and/or Yard - Section 265-638
12. Lawn and Garden Sales and Service
13. Manufactured/Mobile Home Sales
14. Manufacturing
15. Medical Research Facility or Laboratory
16. Municipal Park, Playground and/or Recreation Area - see Section 265-649
17. Penitentiary
18. Processing Facility, Animal
19. Radio/Television Transmitting Facility
20. Recreation Facility (Indoor) - see Section 265-655

21. Recreation Facility (Outdoor) - see Section 265-656
22. Restaurant, Restaurant Take Out, Restaurant Fast Food - see Section 265-661
23. Self-Service Storage Facility – see Section 265-668
24. Transportation Passenger Terminal - see Section 265-674
25. Truck and/or Motor Freight Terminal - see Section 265-675
26. Vehicle Sales, Repair, Service and/or Inspection Facility - see Section 265-676
27. Warehouse/Distribution Facility
28. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses including: (additional regulations found in Article 5-General Regulations or Article 6-Specific Regulations)
  - a. Automated Teller Machine
  - b. Bus Shelter
  - c. Communications Antenna, Accessory
  - d. Drive Through Facility
  - e. No Impact Home-Based Businesses
  - f. Outdoor Sales and Display
  - g. Outdoor Seating Area
  - h. Outdoor Storage for Commercial and/or Industrial Use
  - i. Seasonal Roadside Stand
  - j. Shed, Detached Garage, Gazebo, Pergola, Greenhouse
  - k. Solar and/or Geothermal
29. Vertical Self-Service Storage Facility

C. Special Exception Uses

The following special exception uses may be allowed by the Township Zoning Hearing Board, pursuant to the express standards and criteria set forth in Article 6-Specific Regulations and the general standards set forth in Section 265-1009-Special Exceptions:

1. Adult Oriented Business
2. Auction House/Outdoor Auction/Flea Market
3. Betting Establishment
4. Commercial Greenhouse, Nursery and/or Garden Center
5. Communication Antenna, Tower and Equipment
6. Farm Market/Farm Co-op
7. Golf Course/Facility

8. Group Facility
9. Hospital
10. Mineral Extraction/Processing
11. Public/Semi-Public Building and Use
12. Public/Quasi-Public Parking Lot and/or Garage
13. Recycling Center or Plant
14. Research Facility and/or Laboratory
15. Roadside Market
16. Salvage Yard/Junk Yard
17. Solid Waste Disposal Facility
18. The following accessory uses:
  - a. Alternative Energy System (excluding solar and/or geothermal)
  - b. Home Occupation
  - c. Day Care In Home
  - d. Helipad
  - e. Accessory Unit, Single Bedroom

D. Minimum Setbacks

Except as may be modified in Article 6, minimum setbacks for principal and accessory uses permitted in this district are:

1. Front setback- twenty-five (25) feet
2. Side setback - ten (10) feet
3. Rear setback - twenty-five (25) feet

E. Building Height Limit

1. Principal buildings - forty-five (45) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than ten (10) feet.
2. Accessory buildings/structures fifteen (15) feet. The height may be increased by one (1) foot for each additional foot that all front, side and rear setbacks are increased, but may not be increased by more than five (5) feet.

F. Lot Area, Width and Frontage Requirements

1. Minimum Net Lot Area required is 10,000 s.f. for all uses unless otherwise stipulated in Article 6.
2. Minimum lot width required is 100 feet as measured at the building setback line.



3. Minimum lot frontage required is eighty (80) feet as measured at the street right-of-way line.

G. Lot Coverage for all uses shall not exceed ninety (90) percent of Net Lot Area.

H. Waiver of Side Yards

Two side yards are required, 10 feet wide each side of a principal building. No side yards shall be required where two or more non-residential uses abut side to side and both buildings shall meet the requirements of Section 523 of the SALDO, provided that a written agreement between the adjoining landowners involved is presented to the Township, approved by the Township Solicitor and recorded in the office of the Recorder of Deeds for York County, PA.

**ARTICLE 5**  
**GENERAL REGULATIONS**

The following General Regulations shall qualify or modify the district regulations appearing elsewhere in the Ordinance:

**SECTION 265-501. ABANDONED VEHICLES**

In all districts, scrapped, wrecked, stripped or inoperable motor vehicles or trailers, trailers without current registration plates and motor vehicles without current registration plates and inspection stickers displayed thereon shall be parked or stored in a completely enclosed building unless the lawful principal use of the property on which such vehicles or trailers are located involves the repair, storage or disposal thereof. Any such vehicle or trailer must be removed immediately, as each day that violation is continued shall constitute a separate offense, as violations and penalties are outlined in Article 10. This section shall not be applied to farm equipment in usable working condition.

**SECTION 265-502. ACCESSORY STRUCTURES**

- A. An accessory structure sharing a common wall with a principal residence shall be considered as part of the principal building and shall comply with all of its respective principal use setbacks.
- B. All accessory structures require the issuance, after appropriate application procedures, of a Zoning Permit.
- C. Accessory structures shall comply with the following:
  - 1. Accessory structures are not permitted within the front yard unless set back no less than 100 feet from the street right-of-way.
  - 2. No accessory structure shall be located within any easement or right-of-way.
  - 3. The setback regulations do not apply to school bus shelters, handicapped ramps and similar extensions.

**SECTION 265-503. ACCESS DRIVE**

All Access Drives shall be located in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of a street. All access drives shall be designed and constructed in accordance with the requirements of the York Township Subdivision and Land Development Ordinance.

**SECTION 265-504. BUILDING SEPARATION**

When more than one principal building is located upon a single lot, the minimum required separation between such buildings is listed in the following table. Such measurement shall be taken at the point where the buildings and their appendages are closest.

**Table 5.A - Building Separation**

<b>Minimum Required Separation Between the Closest Points of Buildings Contained on a Single Lot</b>			
<b>Walls</b>	<b>Front (feet)</b>	<b>Side (feet)</b>	<b>Rear (feet)</b>
<b>Front</b>	50	50	50
<b>Side</b>	50	20	50
<b>Rear</b>	50	50	50

- A. The minimum required separation between the closest points of unenclosed/uncovered decks and patios from rear-to-rear facing buildings shall be thirty-four (34) feet. The minimum required separation for the first unenclosed/uncovered deck or patio to be constructed shall be forty-two (42) feet between the closest part of the unenclosed/uncovered deck or patio and the opposing building. The purpose of this provision is to ensure an area of at least eight (8) feet for the opposing building to construct an unenclosed/uncovered deck or patio. Any unenclosed/uncovered deck or patio within the sixteen (16) feet setback area created by the reduction of the fifty (50) feet rear-to-rear separation to thirty-four (34) feet shall be prohibited from being enclosed and/or covered.
- B. When front-to-front, rear-to-rear, front-to-rear, or parallel buildings (including unenclosed and uncovered porches, decks or patios) are in excess of the applicable maximum permitted height, the separation required herein shall be increased by one (1) foot for each additional one (1) foot in building height of each building.
- C. For the purpose of measuring separation on obliquely aligned buildings, the following shall apply:
  - 1. If the front or rear-facing walls are obliquely aligned, the fifty (50) feet separation may be reduced by up to 10 feet at one end if accompanied by a similar increase at the other end.
  - 2. The front facing wall(s) shall be the wall(s) having the most cumulative length along the street utilized as the street address for the building. The rear wall(s) shall be directly opposite the front.

**SECTION 265-505. CLEAR SIGHT TRIANGLES**

No use, structure, building, vegetation or other material shall violate any of the following required clear sight triangles:

- A. On corner lots, there shall be provided and maintained a clear sight triangle in accordance with the requirements of Section 506.G.8 of the Subdivision and Land Development Ordinance (SALDO), Figures 5.4 through 5.7. No structure, building, planting, excavation, or other material or visual obstruction shall be permitted at a height greater than thirty (30) inches within such area. All such clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications.

- B. Driveways shall be located and constructed so that a clear sight triangle in accordance with the requirements of Section 506.G.8 of the SALDO, Figure 5.7, is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area.
- C. Access drives shall be located and constructed so that a clear sight triangle in accordance with the requirements of Section 506.G.8 of the SALDO, Figure 5.6, is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area.

**SECTION 265-506. CORNER LOTS, REVERSE FRONTAGE LOTS, THROUGH LOTS AND FLAG LOTS**

- A. On corner lots, all yards abutting a street and/or access drive shall be considered front yards. The rear yard shall be that area contained between the principal building and the property line directly opposite the address street. The side yard shall be that area between the principal building and the property line directly opposite the non-address street.
- B. On a reverse frontage (through lot), the address street shall be considered the front yard. The rear yard shall be that area contained between the principal building and the property line directly opposite the address street. Both remaining yards shall be considered side yards.
- C. For lots that abut three (3) streets and/or access drives, the address street shall be considered the front yard. The rear yard shall be that which is directly opposite the address street. One side yard shall be provided directly opposite the non-address street and/or access drive, which shall also be a front yard.
- D. For lots that abut streets and/or access drives on all sides, the address street shall be considered the front yard. The rear yard shall be that which is directly opposite the address street. The remaining yards shall be front yards.
- E. The "flagpole" or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction. The area of the flagpole shall not be included with the body (flag) of the lot for satisfying the Township Zoning standards for minimum Net Lot Area.
- F. Minimum Net Lot Area, yard and height regulations of the underlying District shall be as applicable.
- G. The minimum lot width shall be measured at the end of the 'flagpole' along the property line which most closely parallels the address street from side lot line to side lot line.
- H. The front yard of a flag lot shall be that area between the principal building and the property line which is most parallel to the street which provides access and is not part of the flagpole.

**SECTION 265-507. DEMOLITION**

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting void to grade with materials acceptable to the Township and removing all demolition materials from the lot. A

structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid.

**SECTION 265-508. DIVISION OF BUILT-ON LOTS**

No lot may be formed from part of a lot occupied by a building unless each newly created and remaining lot will meet all the applicable provisions of this Ordinance.

**SECTION 265-509. DOMESTIC PETS**

Within any dwelling unit, the noncommercial keeping of non-farm animals, that are commonly available for purchase from a pet store, is permitted. Any exterior pens or buildings for such animals shall comply with the requirements for accessory structures as listed in Article 4 for the applicable zoning district.

**SECTION 265-510. DRIVETHROUGH FACILITY**

All drive through facilities shall comply with the following:

- A. The drive through lane or canopy shall only be located in side yard or rear yard areas.
- B. No drive through lane shall be situated less than ten (10) feet from any side or rear lot line or located within twenty (20) feet of the street right-of-way.
- C. No canopy shall be located within any required building setback area. All signage except clearance or directional signs are prohibited on canopies.
- D. Drive through facility stacking lanes shall not be used to meet parking requirements.
- E. A minimum 100 feet of stacking lane shall be provided before the order location.
- 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.
- G. Any exterior seating, sidewalk and/or play areas shall be separated from the drive through lane by a three (3) feet high fence. Pedestrian entrance/exits along the drive through lane shall be marked with painted crosswalks and signage.

**SECTION 265-511. ENVIRONMENTAL PERFORMANCE STANDARDS**

No land or building in any district in the Township shall be used or occupied in such a manner so as to create any dangerous elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by federal and state agencies

**SECTION 265-512. EXOTIC ANIMALS & RAPTORS**

- A. The capture and keeping of animal species considered to be threatened or endangered by the U.S. Fish and Wildlife Service are strictly prohibited without all required state and federal permits.

- B. All exotic animals and/or raptors shall be properly caged or restricted to guarantee the prevention of harm to residents and their property. Exotic animals and/or raptors as defined in this Ordinance are permitted only in the Residential Agricultural District and are only permitted on lots three (3) acres or larger.
- C. Anyone in possession of exotic animals and/or raptors must own the appropriate permit from the Pennsylvania Game Commission and/or any other state or federal department or agency.
- D. No manure shall be stored within 100 feet of a property line.
- E. All exotic animal waste shall be properly disposed of, so as not to create a nuisance at the site's property line. All exotic animals and/or raptors, their housing and outdoor recreation areas shall be properly maintained so as not to become a public nuisance.
- F. All exotic animal and/or raptor housing and outdoor recreation areas shall be setback 100 feet from any property line.

**SECTION 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.
  - 1. Fences surrounding tennis courts may be erected to a height not exceeding 10 feet.
  - 2. No fence shall be constructed within the public right-of-way or within a required clear sight triangle.
  - 3. The finished side of the fence shall face the adjoining property or public right-of-way.
  - 4. The use of barbed wire, including concertina wire, razor wire, or similar type wire is prohibited, except for industrial uses or when used to confine farm animals. For industrial uses, no barbed wire shall be less than six (6) feet above ground level.
  - 5. Electrically charged fences are prohibited except when used to confine farm animals. Commercially available pet containment systems may be used in all zoning districts.
  - 6. Fences may be located on any property line or right-of-way line.
  - 7. Fences shall not be constructed to obstruct drainage.
- B. Walls (screening walls, focal points, non-structural walls) may not be erected to a height of more than three (3) 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 wall 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 wall, in any other yard unless authorized by special exception.
  - 1. No wall shall be constructed within the public right-of-way or within a required clear sight triangle.

2. Walls shall be setback a minimum three (3) feet from any property or right-of-way line.
  3. The use of barbed wire, including concertina wire, razor wire, or similar type wire is prohibited, except for industrial uses. No barbed wire shall be less than six (6) feet above ground level.
  4. The finished side of the wall shall face the adjoining property or right-of-way.
  5. Walls shall not be constructed so as to obstruct drainage.
- C. Retaining walls over four (4) feet high shall be constructed in accordance with applicable requirements of the Uniform Construction Code.
1. Retaining walls constructed at a height exceeding six (6) feet shall require a minimum forty-two (42) inch high protecting fence on top, within one foot of the wall edge (fill side), and shall include provisions at the terminus of the fence to restrict access to the top of the wall.
  2. All retaining walls shall be constructed with satisfactory drainage provisions.
  3. Retaining walls four (4) feet to six (6) feet in height shall be setback a minimum of six (6) feet from any property line or right-of-way. Retaining walls over six (6) feet in height shall add one (1) additional foot of setback for every one (1) foot of additional wall height in excess of six (6) feet (i.e. the height of the wall shall equal the setback).

**SECTION 265-514. FRONT SETBACKS FROM MAJOR THOROUGHFARES.**

- A. For the purpose of protecting properties from adverse influences of traffic and of protecting major thoroughfares for their traffic functions, buildings and structures along these thoroughfares must be set back a minimum fifty (50) feet from the right-of-way line of the thoroughfares. However, where at least two adjacent buildings on the same side of the thoroughfare and within 100 feet of the lot in question are set back at a lesser distance, the average of the lesser distances becomes the required front setback, provided that the setback shall be not less than the required district or use setback.
- B. Major thoroughfares are or will be:
1. Interstate 83
  2. South George Street and Susquehanna Trail (SR 3001)
  3. Old Baltimore Pike (SR3003)
  4. South Queen Street (SR 0074)
  5. Leader Heights Road and Indian Rock Dam Road (SR 0182)
  6. Iron Stone Hill Road (SR 2087)
  7. Cape Horn Road or Winterstown Road (SR 0024)
  8. Tyler Run Road (SR 3056)

9. Lombard Road (SR 2007)
10. Powder Mill Road
11. Chestnut Hill Road
12. Grantley Road (SR 4001)
13. Springwood Road (SR 2002)
14. Camp Betty Washington Road (SR 2005)
15. Reynolds Mill Road or (SR 3017)
16. Dew Drop Road
17. Pauline Drive
18. Hollywood Drive (SR 8039)
19. Oak Street and Oak Road
20. Country Club Road (SR 2064)
21. Chapel Church Road
22. Joppa Road
23. East Prospect Road (SR 0124)
24. Any major thoroughfare so designated by the York Township Board of Commissioners or designated in the Comprehensive Plan

**SECTION 265-515. FRONT SETBACK OF BUILDINGS ON BUILT-UP STREETS**

Except as provided for above, where at least two existing adjacent buildings within 100 feet of a subject property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the subject property.

**SECTION 265-516. GRADING REQUIREMENTS**

Grading shall be performed in accordance with the requirements of the SALDO.

**SECTION 265-517. HABITABLE FLOOR AREA**

The minimum habitable floor area of a Dwelling Unit or any Building or Structure (including manufactured/mobile homes) used for living purposes shall be 700 square feet. In case of Accessory Unit, Single Bedroom, Multi-Family Dwellings and Conversion Apartments, the minimum habitable floor area shall not be less than 400 square feet per dwelling unit, except those apartments designed for and occupied exclusively by one person shall not be less than 300 square feet.



**SECTION 265-518. HEIGHT ADJUSTMENTS**

Height regulations do not apply to the following projections, provided that the total height of any such projection measured from its base at ground level, shall be set back a minimum distance equal to its height from any property line and/or street right-of-way line:

- A. Structures such as freestanding chimneys, basketball poles, standpipes, flagpoles, antennas, wind turbines or towers (except commercial communications towers, which shall be set back in accordance with the requirements of Section 265-622).
- B. Structures on buildings such as clock towers, cupolas, water tanks and other mechanical appurtenances, if such structures, at any level, do not cover more than (twenty-five) 25% of the roof on which they are located.
- C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roofline.

**SECTION 265-519. LANDSCAPING, BUFFERS AND SCREENING**

The following provisions are applicable to any land development and shall comply with SALDO:

- A. Buffers are intended to separate different land uses from each other in order to minimize or eliminate potential nuisances such as dirt, litter, noise, glare, signs, buildings, parking areas. Buffers are also intended to provide spacing between uses and structures to reduce the adverse impacts of noise, light, odor or danger from fire and explosions. Buffer strips are required along zoning district boundaries, and lot uses based on Table 6.A of the SALDO. General buffer requirements are as follows:
  - 1. Buffers shall be provided along the perimeter of a lot for any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.
  - 2. Buildings, parking lots, and parking spaces shall not project into the required buffers.
  - 3. Storage of any kind shall not be permitted in a required buffer.
  - 4. A buffer may be part of a front, rear or side setback.
- B. Site element screening is intended to minimize or eliminate potential nuisances such as dirt, litter, noise and glare. All screens shall be installed per the standards set forth in the SALDO.

Roof mounted towers, storage tanks, processing equipment, HVAC systems, and any other structures or equipment which rise above the roofline shall be shielded from residential uses.
- C. Street trees shall be planted within any subdivision or land development where suitable street trees do not exist. All street trees shall be selected, installed and maintained per the standards set forth in the SALDO.
  - 1. All street trees shall be kept free of branches and foliage from the ground level to a height of at least eight (8) feet.

2. Street trees shall not be placed where they might interfere with the construction, use or maintenance of any public or private sewage disposal system, water supply or other utility/facility, including sidewalks.

**SECTION 265-520. LIGHTING**

- A. In all zoning districts, exterior lighting of a building and/or grounds for security and/or surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement rather than the recognition of definitive detail. Security lighting for buildings/structures shall be directed towards the face of the building/structure rather than the area around it.
- B. For lighting of parking lots, the level of illumination shall be between 0.5 and 5.0 footcandles at the deck and shall not exceed 0.5 footcandles at the deck along the property line and/or right-of-way line.
- C. In all zoning districts, all exterior lighting provided in conjunction with any nonresidential or non-farm use shall be hooded and/or screened so that the source of illumination and/or the lenses cannot be seen from off of the premises.
- D. Lighting installed for any non-residential or non-farm use that falls outside the boundaries of the property shall not exceed 0.5 footcandles at the property line or right-of-way line.
- E. Exemptions to the above requirements include:
  1. Street lights
  2. Temporary civic uses
  3. Construction or emergency lighting
  4. Airport and/or airport hazard lighting
  5. Public/Private School athletic fields

**SECTION 265-521. NO IMPACT HOME-BASED BUSINESS**

No Impact Home-Based Business is 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. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- E. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**SECTION 265-522. NUISANCE CONTROL**

In no case is a use permitted which by reason of noise, glare, dust, odor or other factor creates a nuisance, hazard or other adverse effect upon the property value or reasonable enjoyment of the surrounding property. Every reasonable effort must be made to prevent this effect through:

- A. Control of lighting.
- B. Design and maintenance of structures.
- C. Use of buffers, screening and/or opaque fences.
- D. Placement of structures on the site.
- E. Appropriate control of use.
- F. Prompt removal of trash or scrap waste.

**SECTION 265-523. NUMBER OF PRINCIPAL COMMERCIAL USES ON A LOT**

More than one principal commercial use may be placed upon a single lot, provided that:

- A. All commercial uses comply with all applicable lot design and other regulations of this chapter as though it were on an individual lot
- B. A land development plan and approval shall be required for each commercial use

**SECTION 265-524. OUTDOOR SALES AND DISPLAY**

- A. The outdoor display and sale of merchandise shall not extend into any required setbacks, or buffers, and shall allow for the safe and efficient flow of pedestrian and vehicular traffic within the lot, without backing onto public streets.
- B. All exterior retail sales areas shall include a dust-free surface.
- C. All exterior amplified public-address systems shall be designed and arranged so as to prevent objectionable impact off the site.

**SECTION 265-525. OUTDOOR SEATING AREA**

- A. Outdoor seating areas along access drives and parking areas shall be separated by a three (3) feet high fence or wall.
- B. Outdoor seating areas located along sidewalks shall allow a minimum five (5) feet pedestrian travel path.

**SECTION 265-526. OUTDOOR STORAGE FOR COMMERCIAL AND/OR INDUSTRIAL USES**

- A. Outdoor storage shall be screened from view of any adjacent residential use in accordance with the requirements of the SALDO.
- B. Outside storage of materials and/or finished products shall not be permitted within the side or rear setback, and shall not exceed twenty (20) feet in height unless a Special Exception is granted by the Zoning Hearing Board for additional height. Any increase in the height of the outside storage shall be accompanied by an equivalent increase in setback.
- C. Outside storage of materials and/or finished products shall not be permitted within the front setback and shall not exceed ten (10) feet in height.
- D. Flammable or explosive liquids, solids or gases stored in bulk shall demonstrate compliance with all applicable regulations of the United States Environmental Protection Agency; the Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshal Division, including notification and registration requirements.

**SECTION 265-527. PERFORMANCE STANDARDS**

- A. Noise: No use shall regularly generate exterior noise levels in excess of those listed in the following table:

**Table 5.B - Noise Level**

Measurement Taken at an Adjoining Property Line(or its vertical extension)Within/along the Following Districts	Time Period	Maximum Permitted Noise Level (dBA)
RA, RL, RM, RH	7:00 am to 10:00 pm	55
RA, RL, RM, RH	10:00 pm to 7:00 am	50
MRC, CO, CS, CI	7:00 am to 10:00 pm	65
MRC, CO, CS, CI	10:00 pm to 7:00 am	60
I	Anytime	70

1. Should the ambient noise level at any location exceed the above standards, that ambient noise level shall become the maximum permitted noise level at that location. The maximum permitted noise level shall be applied to regularly occurring and sustained uses and activities.
  2. Exemptions to the above regulations shall include short term temporary noises and infrequent instantaneous noises, vehicles not under the control of an on-site use, occasionally used safety signals, warning devices, emergency pressure relief valves, emergency generators, construction activities and farming activities.
  3. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation.
- B. No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.

**SECTION 265-528. PORTABLE STORAGE UNITS AND ROLLOFF DUMPSTERS**

- A. There shall be no more than one (1) portable storage unit and one (1) roll off dumpster per lot.
- B. No portable storage unit and/or roll off dumpster shall be located or maintained within ten (10) feet of any street right-of-way.
- C. A portable storage unit and/or roll off dumpster shall be no larger than eight (8) feet wide, twenty-four (24) feet long and eight (8) feet high if located less than fifty (50) feet from a dwelling not owned by the user of the portable storage unit.
- D. No portable storage unit and/or roll off dumpster shall remain on a lot in excess of thirty (30) consecutive days, nor shall any portable storage unit and/or roll off dumpster cumulatively be maintained or located on a lot in excess of sixty (60) days in any calendar year.
- E. A portable storage unit and/or roll off dumpster shall be permitted during construction, reconstruction, alteration or renovation and for an additional period of ten (10) days before and after such activity provided a building permit has been issued by the Township. The portable storage unit and/or roll off dumpster shall be removed from the lot before the Township issues an occupancy permit.

**SECTION 265-529. REFUSE/RECYCLABLES; ACCUMULATION, COLLECTION**

The accumulation of refuse and/or recyclables out-of-doors shall be in accordance with Chapter 204 of the York Township Code of Ordinances, as amended. When indoor storage is not provided in multi-family developments and nonresidential uses, refuse collection stations (dumpsters) shall be centralized and enclosed in accordance with the requirements of the SALDO.

**SECTION 265-530. SEASONAL ROADSIDE STAND**

Seasonal Roadside Stands are permitted accessory uses, subject to the following:

- A. Stands shall have no more than 250 square feet of retail display area.

- B. Stands shall be located a minimum twenty-five (25) feet from any property line or right-of-way line.
- C. Only agricultural products grown or prepared on-site shall be sold.
- D. The stand shall be temporary in nature, and shall be removed in off-season.

**SECTION 265-531. SPORT COURTS (PRIVATE)**

Sport Courts are permitted accessory uses, subject to the following:

- A. Courts are permitted to have a fence up to ten (10) feet in height, no more than ten (10) feet beyond the playing area in each direction.
- B. No court, including fencing and lighting, shall be located within the front yard unless it is located at least 100 feet from the street right-of-way line.
- C. Any such court, including fencing and lighting, shall conform to all minimum side and rear setbacks of the district.
- D. Floodlighting or other illumination used in conjunction with sport courts shall be shielded and directed away from adjacent properties and streets.

**SECTION 265-532. STORAGE OF RECREATIONAL 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.
- 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 265-533. STREET ACCESS**

All uses shall be provided with access to an abutting improved public or private street, unless otherwise authorized by special exception. Such access shall meet the design requirements contained in the SALDO.

### **SECTION 265-534. SWIMMING POOLS, PONDS AND MAN-MADE LAKES**

Outdoor Swimming Pools, Ornamental ponds or Wading Pools, outdoor hot tub, spa or whirlpool, man-made lake, dam or impoundment, excluding stormwater management basins, are permitted accessory uses, and are subject to the following:

- A. Outdoor Swimming Pools (Private)
1. No Swimming Pool shall be located within the front yard unless it is set back at least 100 feet from the street right-of-way line.
  2. Swimming Pools accessory to residential uses (except multi-family), including adjoining decking, patio and sidewalk, shall be set back a minimum of ten (10) feet from the nearest side lot line and ten (10) feet from the nearest rear lot line. Swimming pools accessory to multi-family and non-residential uses, including adjoining decking, patio and sidewalk, shall be set back a minimum of fifty (50) feet from the nearest side lot line and fifty (50) feet from the nearest rear lot line
  3. Swimming Pools shall be located in accordance with the York Township Stormwater Management Ordinance (YTSWMO).
  4. Floodlighting or other illumination used in conjunction with any Swimming Pool shall be shielded and directed away from adjacent properties.
  5. No Swimming Pool shall occupy more than twenty-five (25) percent of the lot area.

6. The draining and cleaning of Swimming Pools shall adhere to the state requirements and the following:
  - a. Pool water and backwash may not be drained directly into stream, other water bodies or storm sewers.
  - b. Pool water and water used to clean pools must be de-chlorinated and neutralized before the water may be drained onto any property.
  - c. Neutralized pool water may be discharged over a grassy area to allow absorption, filtration and aeration of the water. The discharge should be at a rate slow enough to prevent erosion and optimize infiltration.
  - d. Before pool water is drained onto adjacent properties, the owner must first receive approval from the adjacent landowner.
  
- B. Outdoor Hot Tubs, Spas and Whirlpools
  1. Any hot tub, spa or whirlpool (including adjoining decking, patio and sidewalk) shall be set back a minimum of ten (10) feet from the nearest side lot line and ten (10) feet from the nearest rear lot line.
  2. No hot tub, spa or whirlpool may be located within the front yard unless it is set back at least 100 feet from the street right-of-way line.
  3. Floodlighting or other illumination used in conjunction with any hot tub, spa or whirlpool shall be shielded and directed away from adjacent properties and streets.
  
- C. Ornamental Ponds/Pools.
  1. No such pond/pool shall have a depth greater than twenty-four (24) inches nor contain more than 3,500 gallons of water (7.5 gallons per each cubic foot of water). Any pond/pool that is deeper than twenty-four (24) inches and/or contains more than 3,500 gallons shall comply with the requirements of man-made lakes listed in Subsection D of this section.
  2. Ornamental ponds/pools in proximity to Waters of this Commonwealth, shall be located in accordance with the YTSWMO and shall receive state and/or federal approval from the appropriate agencies as needed prior to approval of any zoning permit.
  3. Such pond/pool shall comply with the following minimum setbacks:
    - a. Ten (10) feet from a street right-of-way line.
    - b. Six (6) feet from the closest side or rear lot line
    - c. Twenty-five (25) feet from the septic tank and fifty (50) feet from the closest point of any absorption area of any on-lot sewage disposal system.
  4. No such pond/pool shall be used for the commercial hatching of fish or other species.
  5. All such ponds/pools shall be maintained so as not to pose a nuisance by reason of odor or the harboring of insects.
  6. Floodlighting or other illumination used in conjunction with any pond/pool shall be shielded and directed away from adjacent properties and streets.



- D. Manmade lakes, dams and impoundments
1. Any man-made lake, dam or impoundment shall comply with Chapter 174 - Ponds, of the York Township Code of Ordinances, as amended.
  2. Any dam, lake or impoundment in proximity to other Waters of this Commonwealth, shall be located in accordance with the YTSWMO and shall receive state and/or federal approval from the appropriate agencies as needed prior to approval of any zoning permit.
  3. All dams, lakes and impoundments, excluding stormwater management basins, shall comply with the following minimum setbacks:
    - a. Forty (40) feet from any lot lines
    - b. Twenty-five (25) feet from the septic tank and fifty (50) feet from the closest point of any absorption area of any on-lot sewage disposal system
  4. Safety measures, which may include fencing, shall be required to protect all dams, lakes and impoundments and prevent unauthorized access to the water.
  5. All dams, lakes and impoundments shall be regularly maintained, and any floating debris shall be removed from all pipes and spillways.
  6. Floodlighting or other illumination used in conjunction with any dams, lakes and impoundments shall be shielded and directed away from adjacent properties and streets.
  7. All lakes or ponds that contain a volume of fifty (50) acre feet or more, that impound water from a watershed of 100 acres or more, or that have a dam height or water depth of fifteen (15) feet or more shall meet all state and federal requirements. Such lakes or ponds shall be located a minimum 100 feet from any lot line.

**SECTION 265-535.TEMPORARY USE**

Temporary uses are permitted upon the issuance of a Temporary Use Permit by the Zoning Officer, subject to the following:

- A. Temporary uses shall be permitted in nonresidential districts and to support construction activities in residential districts.
- B. Temporary uses shall be consistent with the range of uses permitted in the respective zoning district.
- C. Proof of the provision for adequate sanitary facilities, parking and traffic control, security, trash removal, etc., related to the temporary use shall be provided at the time of application for permit.
- D. Temporary Use Permits shall be for a period not to exceed one (1) year, renewable annually for up to a maximum of three (3) years. This three (3) year limit may be extended only by a special exception from the Zoning Hearing Board.
- E. Temporary buildings intended for human habitation shall be occupied/used throughout the duration of the permit period.

- F. Temporary structures for dwelling purposes require a special exception.
- G. Public event uses involving large assemblages of people and/or vehicles may be allowed by Temporary Use Permit subject to the approval of the Zoning Officer.

**SECTION 265-536. YARD PROJECTIONS**

The following projections into required yards shall be permitted:

- A. Cornices, entrance canopies (excluding canopies over fuel dispensing facilities), bay windows, balconies, fireplaces, uncovered stairways and necessary landings, chimneys, eaves or other architectural features, and non-commercial satellite dishes may project into any required yard setback a distance not to exceed three (3) feet.
- 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 any 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.

**ARTICLE 6**  
**SPECIFIC REGULATIONS**

**SECTION 265-601. SPECIFIC REGULATIONS**

It is the intent of this section to provide special controls and regulations for particular uses which may be permitted by right or by special exception within the various zoning districts established in this Ordinance. In addition to the general standards set forth in Article 5, the specific standards for particular uses allowed by special exceptions are set forth herein. These regulations must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

**SECTION 265-602. ACCESSORY UNIT, SINGLE BEDROOM**

Accessory Units, Single Bedroom (Unit) are permitted by special exception in the RL, RM, RH, RA and MRC Districts, subject to the following:

- A. The habitable floor area of the Unit shall conform to the minimum habitable floor area requirements of Section 265-517 but in any event shall not exceed 720 square feet. Only one (1) bedroom area shall be permitted.
- B. Only one (1) Unit may be permitted within a Single-Family Detached Dwelling or on a Single-Family Detached Lot.
- C. A Unit may only be permitted and may only continue in use as long as the principal dwelling or unit is occupied by the owner of the lot.
- D. One additional off-street parking space shall be provided.
- E. The applicant shall submit a plan and supporting documentation to establish compliance with the dimensional requirements of the district in which the lot is located and this section.
- F. If such dwelling is served by an individual on-lot sewage disposal system, the applicant shall present evidence that such sewage system has been designed so that it has a capacity to provide, treat and dispose of the sewage to be generated by the Unit.

**SECTION 265-603. ACCESSORY FARM DWELLING**

Accessory farm dwellings are permitted by special exception in the RA District, subject to the following:

- A. No more than one (1) accessory farm dwelling shall be permitted on a farm unless the applicant proves a need for additional dwellings to house a farm owner or farm worker or members of their respective families in connection with the agricultural or horticultural use of the property.
- B. The minimum lot area and yard setback requirements of the RA District shall apply to the principal and accessory farm dwellings individually and collectively.
- C. The off-street parking requirements of this chapter shall apply to each dwelling.

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- D. Separate water supply and sewage disposal facilities shall be required for each dwelling.
- E. The accessory farm dwelling shall be located on the same parcel as the principal single-family dwelling.

### **SECTION 265-604. ADULT-ORIENTED BUSINESS**

Adult-Oriented Businesses are permitted by special exception in the I District in accordance with York Township Ordinance No. 2007-4, and subject to the following:

- A. The lot or property line of such business shall not be located within 300 feet of any residential district or the property line of any residential use, house of worship, school, day-care facility, public library, park or playground.
- B. The lot or property line of such business shall not be located within 500 feet of the lot or property line of another Adult-Oriented business.
- C. There shall be no display of Adult-Oriented materials that can be seen from the exterior of the building.
- D. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- E. Not more than one Adult-Oriented business or activity shall be permitted within any one building or lot.
- F. No Adult-Oriented business or activity may change to another type of Adult-Oriented business or activity, except upon application to and approval by the Zoning Hearing Board of such change as a special exception.
- G. No unlawful sexual activity or conduct shall be performed or permitted.
- H. All entrances to the structure shall be posted with a legible notice of at least four (4) square feet that the use is an Adult Oriented facility; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.

### **SECTION 265-605. AGE RESTRICTED COMMUNITY (ARC)**

To provide housing and related private recreational facilities for persons primarily age fifty-five (55) and older. Age Restricted Communities (ARC) are permitted by special exception in the RM, RH and CO Districts, subject to the following:

- A. An ARC containing fifteen (15) acres Gross Lot Area or more, shall utilize the Residential Conservation Development standards, per Section 265-660.
- B. An ARC in the CO District shall have a minimum lot size of fifty (50) acres Gross Lot Area.
- C. Regardless of lot size, a minimum forty (40) percent open space/recreation area shall be required. The community center may be located within this area; however, the total area of the center, including required parking, may not exceed twenty-five (25) percent of the required open space.

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- D. All provisions of the Federal Fair Housing Act as amended. A minimum eighty (80) percent of the dwelling units shall be permanently occupied by at least one person age fifty-five (55) or older; a greater percentage may be restricted as a part of the declaration.
- E. Each dwelling unit shall be owned as a unit within a condominium without individual lot lines. All internal streets shall be privately owned and maintained.
- F. An ARC shall require the condominium association to maintain commonly owned areas, private streets and other common facilities. All residents of the development shall be required to pay necessary fees to the condominium association, with a proper enforcement mechanism as provided by state law. All condominium documents and declarations shall be reviewed and approved by the Township Solicitor. All documents shall be in conformance with the Pennsylvania Uniform Condominium Act and the provisions of the SALDO. All common open space land shall be held as 'common elements' or 'limited common elements'.
- G. Each dwelling unit and the community center shall be served by public or community water and sewage disposal.
- H. Each dwelling unit shall have no more than two (2) bedrooms.
- I. Within the RM and RH Districts, all dwelling types shall be allowed within an ARC, at a maximum density of eight (8) dwelling units per Net Lot Acre in the RM district and twelve (12) units per Net Lot Acre in the RH district. All dwellings types, except for Single Family Detached Dwellings, shall be allowed in the CO District at a maximum density of eight (8) dwellings units per Net Lot Acre. If the ARC in the CO District includes continuity of care through the inclusion of an Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility, then the maximum density may be increased to twelve (12) units per Net Lot Acre.
- J. A community center (Center) shall be provided with community room(s)/area(s) consisting of a minimum of 400 s.f. or ten (10) s.f. per dwelling unit, whichever is greater. The Center shall be limited to the ARC residents and invited guests. The Center may also include the following uses:
  - 1. Retail sales with a total area not to exceed 2,000 s.f.
  - 2. Indoor recreation facility
  - 3. Fitness/health spa establishment
  - 4. Security office
  - 5. Property management office
  - 6. Personal service
  - 7. Cafeteria, deli, coffee or tea shop
  - 8. House of worship
  - 9. Laundromat or laundry service
  - 10. Medical office, health clinic, pharmacy and similar health professionals.

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- 11. Other similar uses
- K. Parking shall be in accordance with Section 265-802, and shall also include:
  - 1. An additional 0.5 space per dwelling unit to be interspersed throughout the development.
  - 2. Center: three (3) spaces plus one (1) space for every 400 s.f. gross floor area or fraction thereof.
  - 3. Additional compact spaces (for vehicles such as golf carts, scooters or bicycles) may be provided; however, may not be counted toward required parking.
- L. Lighting shall be provided at all intersections, at the community center and for all common parking areas.

### **SECTION 265-606. AGRIBUSINESS**

Agribusinesses are permitted by special exception in the RA District, subject to the following:

- A. Maximum lot coverage shall be forty (40) percent of the Net Lot Area.
- B. Where required, vehicle stacking lanes shall be provided at a minimum length of 100 feet to avoid vehicle backups onto adjoining roads.
- C. All grain storage facilities, conveying apparatus, drying chambers and axial ventilation fans shall be set back a minimum 100 feet from all property lines.
- D. Parking areas shall not be allowed within the required setbacks, and the required number of spaces shall be set by the Zoning Hearing Board.
- E. This use may include the sales, rental, service and repair of farm equipment.
- F. All service and/or repair activities shall be conducted within a completely enclosed building.
- G. Outdoor display shall be screened from view of any adjacent residential use in accordance with the requirements of the SALDO.
- H. Outside display of materials and/or finished products shall not be permitted within any required setback.
- I. Flammable or explosive liquids, solids or gases stored in bulk shall demonstrate compliance with all applicable regulations of the United States Environmental Protection Agency; the Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshal Division, including notification and registration requirements.

### **SECTION 265-607. AIRPORT/HELIPORT**

Airport/Heliports are permitted by special exception in the RA District, subject to the following:

- A. The approach zone to any of the proposed runway landing strips/pads shall be in accordance with the regulations of applicable Federal and/or State agencies.

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- B. There shall be no existing flight obstructions such as towers, chimneys, or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
- C. Any building, hanger or structure shall be located a sufficient distance away from the landing strip/pad in accordance with the recommendations of applicable Federal and/or State agencies.
- D. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the usable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first 500 feet of the glide path shall be wholly within the airport property.
- E. Heliport shall be setback a minimum 100 feet from any property or right-of-way line.
- F. The facility must be permitted under applicable FAA regulations.

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

Apartment/Residences in conjunction with a commercial use are permitted by special exception in the MRC District, subject to the following:

- A. An Apartment/Residence shall be located within the same structure as the commercial use.
- B. No more than two (2) Apartment/Residences shall be permitted in conjunction with a commercial use, provided that each unit meets the minimum habitable floor area.
- C. The building shall remain under single ownership.
- D. The off-street parking requirements of this chapter shall apply to each use.
- E. If an addition is proposed to the structure, a Minor Plan application shall be filed per Section 305 of the SALDO.

### **SECTION 265-609. ASSISTED LIVING/PERSONAL CARE/SKILLED NURSING/SENIOR CONGREGATE LIVING FACILITY**

Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facilities are permitted by right in the CO, CS, and CI Districts; and are permitted by special exception in the RM, RH and MRC districts, subject to the following:

- A. Copies of licenses and/or certification from Federal and/or State agencies shall be provided to the Township, if applicable.
- B. The minimum Net Lot Area shall be 1,000 square feet per bed or bedroom, whichever is greater, but in no case shall the Net Lot Area be less than that required for the Zoning District in which the facility is located.
- C. Building setbacks shall be a minimum twenty-five (25) feet from any property line and/or street right-of-way.

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- D. Maximum building height in the CS and CI Districts is permitted to be fifty-five (55) feet.
- E. Service areas and facilities shall not be located closer than 100 feet from the property line of a residential use.
- F. All living facilities shall be connected to a service facility through internal passageways, i.e. hallways, corridors, etc.
- G. Senior Congregate Living Facilities shall be restricted to persons age 55 or older and provide for common areas available for all residents of the facility for dining and/or social and worship activities.

### **SECTION 265-610. AUCTION HOUSE/OUTDOOR AUCTION/FLEA MARKET**

Auction House/Outdoor Auction/Flea Markets are permitted by special exception in the CI and I Districts, subject to the following:

- A. The sales/display area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all sales/display areas plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales/display areas shall include all indoor and outdoor areas as listed above.
- B. Any exterior lighting and/or amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
- C. Outdoor display/sales areas shall not be located on any required parking areas.
- D. Outdoor sales and outdoor address systems shall only be permitted between the hours of 8am and 8pm.
- E. Outdoor trash and recycling receptacles shall be provided throughout any outdoor retail sales area. Such trash receptacles shall be emptied daily so as to prevent the scattering of litter and debris.
- F. Temporary sales vendors must be located within the sales/display areas as set forth in A. above.
- G. All outdoor sales/display areas shall be setback a minimum fifty (50) feet from any residential district or use.
- H. Off-street loading shall be based on the square footage of the interior sales/display area.
- I. The applicant shall demonstrate adequacy of sewage disposal and water supply.

### **SECTION 265-611. BAR**

Bars are permitted by special exception in the CS and CI Districts, subject to the following:

- A. The facility shall be licensed in accordance with the requirements of the Commonwealth and any other applicable permitting and regulatory agencies.



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- B. The lot or property line of such business shall not be located within 300 feet of any residential district or the property line of any existing residential use, house of worship, school, day-care facility, public library, park or playground.
- C. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
- D. The applicant shall furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to sound or loitering outside the building.

### **SECTION 265-612. BETTING ESTABLISHMENT**

Betting Establishments are permitted by special exception in the CI and I Districts, subject to the following:

- A. The lot or property line of such business shall not be located within 300 feet of any residential district nor the property line of any existing residential use.
- B. The lot or property line of such business shall not be located within 300 feet of the lot or property line of any house of worship, school, day-care facility, public library, park or playground.
- C. The lot or property line of such business shall not be located within 500 feet of the lot or property line of another Betting Establishment.
- D. All parking areas shall be screened and include at least a ten (10) foot buffer from all private properties adjacent to the site.
- E. The use shall be controlled so as not to create a nuisance due to noise or to loitering outside of the building.
- F. A minimum of ten (10) percent of the total lot area shall be maintained in trees, shrubs, vegetative ground cover and/or landscaped pedestrian plaza with decorative paving patterns, benches and/or preserved historic features. This ten (10) percent area may be calculated based upon an entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.
- G. A minimum ten (10) feet wide landscaped planting area shall be located abutting any public street. This planting area may include a combination of land inside and outside of the right-of-way, and areas between the curb and the sidewalk may count towards this width. This planting area shall include shrubbery and other landscaping that is designed to avoid conflicts with safe stopping sight distances at intersections as required in the SALDO.
- H. All other federal, state and other permits must be obtained prior to the issuance of the Certificate of Use.
- I. The Zoning Hearing Board must determine that the establishment:
  - 1. Is in general harmony with the immediate neighborhood.
  - 2. Does not create an atmosphere of enticement for minors.

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3. Will not be detrimental to the public health, public safety or general welfare of the Township.

### **SECTION 265-613. BED-AND-BREAKFAST INN**

Bed-and-Breakfast Inns in existing structures are permitted by special exception in the RL, RM, RH, RA and MRC Districts, subject to the following:

- A. The structure shall contain a minimum of 2,000 square feet of gross floor area.
- B. All bed-and-breakfast bedroom units shall be contained within the principal building.
- C. There shall be no more than one (1) bed-and-breakfast bedroom unit per 700 square feet of gross floor area in the principal building, with up to a maximum of five (5) bedroom units.
- D. All area and bulk regulations of the prevailing zoning district for single-family dwellings shall apply.
- E. Parking shall be in accordance with the requirements of Section 265-806.
- F. Dining and other facilities shall not be open to the public but shall be exclusively for the residents and registered bed-and-breakfast guests.
- G. All floors above grade shall have a direct means of escape to ground level.
- H. The Bed-and-Breakfast Inn shall be operated only by members of the immediate family of the owner residing in the dwelling where the bed-and-breakfast will be located, and it may have a maximum of two (2) non-resident employees.
- I. Guest stays shall be limited to fourteen (14) days in a calendar month, except longer stays, not exceeding ninety (90) days may occur where the occupant(s) are in transit, e.g., awaiting a move into a new home.

### **SECTION 265-614. CAMP/CAMPGROUND**

Camp/Campgrounds are permitted by special exception in the RA District, subject to the following:

- A. All campsites and outdoor play areas shall be setback at least fifty (50) feet from any property line and/or street right-of-way.
- B. Cabins/campsites shall be permitted at a density not to exceed fifteen (15) units per acre.
- C. Months of operation shall be between March 1 and December 1.
- D. Access drive from the public street to the office and/or commercial use shall be constructed in accordance with the SALDO.
- E. Each campsite shall provide parking for at least one (1) vehicle which will not interfere with the movement of traffic, or equivalent parking space provided in common parking areas.
- F. Any accessory retail or service commercial uses shall be designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for

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these commercial uses shall only have vehicular access from the campground's internal road system rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residential uses.

- G. All campgrounds shall provide centralized refuse collection stations that shall be setback fifty (50) feet from any property line and/or street right-of-way and shall be screened in accordance with the requirements of Section 610.E.2 of the SALDO.
- H. All water supply, sewage disposal systems, rest rooms and dump stations shall be approved and maintained in accordance with the requirements of PA-DEP. Any of the above shall be setback a minimum fifty (50) feet from any property line and/or street right-of-way and shall be screened in accordance with the requirements of Section 610.E.2 of the SALDO.
- I. The owner/manager of a campground may occupy a single family dwelling year-round within the campground.

### **SECTION 265-615. CAR WASH**

Car Washes are permitted by right in the CS, CI and I Districts as a principal or an accessory use, subject to the following:

- A. Public sewer and water supply facilities shall be provided and gray water recycling is required.
- B. Each washing bay shall provide a minimum sixty (60) foot long on-site stacking lane which precedes the washing process.
- C. For full service car washes, a drying area shall be provided for no less than six (6) vehicles.
- D. All structures housing washing 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.
- E. Trash and recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter.

### **SECTION 265-616. CEMETERY**

Cemeteries are permitted by right in the RL, RM, RH, RA and MRC Districts as a principal and accessory use, subject to the following:

- A. All burial plots or facilities shall be setback at least fifty (50) feet from all property lines or street rights-of-way.
- B. No burial plots or facilities are permitted within fifty (50) feet of floodplains and Waters of this Commonwealth.
- C. Pet cemeteries shall meet all of the above requirements.
- D. All human burials shall be under the supervision of a mortician licensed in the Commonwealth and shall comply with all state regulations.

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### **SECTION 265-617. COMMERCIAL GREENHOUSE, NURSERY AND/OR GARDEN CENTER**

Commercial Greenhouse, Nursery and/or Garden Centers are permitted by special exception in the RA, MRC, CS, and CI Districts, subject to the following:

- A. The display, sale and/or repair of power tools or motorized nursery, lawn or garden equipment shall not be permitted.
- B. The display and sale of items not grown on the premises shall be incidental to the operation. The display and sales area for those items shall be limited to not more than twenty-five (25) percent of the total gross display area and sales area on the property.
- C. Bulk material (stone, mulch, soil, etc.) shall be stored in the rear yard area, and shall be enclosed with fencing. The storage areas shall be setback a minimum of fifty (50) feet from any property line.
- D. If on-lot water and sewage is proposed, proof of availability and adequacy shall be provided. Where public water and sewer is proposed, a secondary water meter or deduct meter shall be provided.

### **SECTION 265-618. COMMERCIAL KENNEL AND ANIMAL HOSPITAL WITH ACCESSORY KENNEL FACILITY**

Commercial Kennels and Animal Hospitals with Accessory Kennels 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. All kennels shall be licensed by the Commonwealth of Pennsylvania.
- B. All animals shall be boarded within a completely enclosed building which shall be a minimum of fifty (50) feet from any property line. All such buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.
- C. Animals shall be permitted to exercise outdoors, daily between the hours of 8:00 a.m. and 8:00 p.m. (prevailing time). All outdoor exercise areas shall be located at least fifty (50) feet from any property line and enclosed with a minimum eight (8) feet high fence and screened in accordance with the requirements of the SALDO.
- D. Adequate disposal of animal waste must be provided in a manner that will not create a public health hazard or nuisance.

### **SECTION 265-619. COMMERCIAL SOLAR OR WIND FACILITIES AND NONCOMMERCIAL FUEL CELL, GEOTHERMAL, HYDRO, OUTDOOR WOOD-FIRED BOILER, SOLAR OR WIND FACILITIES**

Commercial Solar or Wind Facilities are permitted by special exception in the RA District; Noncommercial Solar or Geothermal Facilities are permitted as accessory uses in all Districts; and Noncommercial Fuel Cell, Hydro, Outdoor Wood-Fired Boiler or Wind Facilities are permitted as accessory uses by special exception in all Districts, subject to the following:

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- A. All Commercial Solar or Wind Facilities and all Noncommercial Fuel Cell, Geothermal, Hydro, Outdoor Wood-Fired Boiler, Solar or Wind Facilities (Facilities) require the issuance, after application procedures, of applicable permits. Applications shall provide sufficient information to demonstrate compliance with the following provisions of this Section.
  
- B. All Commercial Solar or Wind Facilities and all Noncommercial Fuel Cell, Geothermal, Hydro, Outdoor Wood-Fired Boiler, Solar or Wind Facilities shall comply with applicable provisions of following:
  - 1. Industry standards of the American National Standards Institute (ANSI), the American Society of Testing and Materials (ASTM), the Underwriters Laboratories (UL), etc., as amended.
  - 2. Certifications of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations. The Applicant shall submit proof of such said Certifications to York Township, with the applications for applicable permits.
  - 3. The Pennsylvania (PA) Uniform Construction Code (UCC), 34 PA Code §§403.1 - 403.142, as amended.
  - 4. Local, state and national codes and international standards for all electrical components and equipment.
  - 5. Proof of approval to connect to the local utility company shall be submitted to the Township.
  
- C. Design, construction, installation, operation and maintenance of all Commercial Solar or Wind Facilities and all Noncommercial Fuel Cell, Geothermal, Hydro, Outdoor Wood-Fired Boiler, Solar or Wind Facilities, ancillary facility and equipment shall comply with the following:
  - 1. A clearly visible warning sign concerning voltage must be placed at the base of each pad-mounted transformer and substation.
  - 2. Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - 3. Facilities shall not display advertising, except for identification of the manufacturer, Facility Owner and Operator.
  - 4. On-site transmission and power lines shall be buried underground.
  - 5. Exterior electrical and/or plumbing lines shall be buried underground in a conduit.
  - 6. Exterior access doors to all electrical equipment shall be locked or fenced to prevent entry by unauthorized persons.
  - 7. Facility setbacks shall comply with the structure setback requirements for the District in which said Facilities are located.
  - 8. Facilities shall comply with the greater of the structure height restrictions for the District in which they are located or the following:

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- a. Ground-mounted structures, components, ancillary facilities and equipment of Facilities, except Wind Turbines and associated towers, shall comply with the accessory structure height restrictions for the District in which they are located.
  - b. No roof-mounted components of Energy Facilities, except Wind Turbines and associated towers, shall extend more than two (2) feet (ft) above the sloped roof surfaces or ridges or more than three (3) ft above the flat roof surfaces upon which the Facilities are mounted.
  - c. Turbine Heights shall comply with J.5.
  - d. Noncommercial Outdoor Wood-Fire Boiler Facility stack heights shall comply with H.7., but shall not exceed the structure height restrictions for the District in which the Facilities are located.
- D. Any road damage caused by the Facility Owner and Operator or its contractors shall be promptly repaired at the Facility Owner and Operator or its contractor's expense.
- E. All Noncommercial Fuel Cell Facility (Facility) design, construction, installation, operation and maintenance shall comply with the following:
- 1. Electrical generating capacities shall be less than 120 percent of the average daily electrical needs of the property where the Facilities are located.
  - 2. Hydrogen production capacities shall be less than 120 percent of the average daily electrical needs of the property where the Facilities are located.
- F. All Noncommercial Geothermal Facility (Facility) (otherwise known as Geothermal Heating and/or Cooling Systems) design, construction, installation, operation and maintenance shall comply with the following:
- 1. Facilities which are constructed prior to the effective date of this Ordinance and which are being operated, and maintained in strict compliance with the manufacturer's specifications, instructions, and/or guidelines are exempt from this Sections provisions.
  - 2. Space heating capacities shall be less than 120 percent of the average daily space heating/cooling needs of the property (from December 15 through March 15 and from June 15 through September 15) where the Facilities are located.
  - 3. All Facilities shall be closed-loop facilities. Open-Loop Geothermal Systems, Standing-Column Geothermal Systems, and Water-Source Heat Pumps are prohibited.
  - 4. Buried piping for Facilities shall be polyethylene, polybutylene, or other piping material approved by the Township.
  - 5. Circulating fluid for Geothermal Facilities shall be water, potassium acetate, or other similar inert fluid approved by the Township.
- G. All Noncommercial Hydro Facility (Facility) design, construction, installation, operation and maintenance shall comply with the following:

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1. Electrical generating capacities shall be less than twelve (12) kilowatts (kW) per residential unit on the residential property where the Facilities are located.
  2. Electrical generating capacities shall be less than 120 percent of the average daily electrical needs of the non-residential property where the Facilities are located.
  3. Facilities having maximum operating depths of water, as measured in the reservoir, greater than three (3.0) ft shall comply with applicable provisions of Section 906 of the York Township Stormwater Management Ordinance.
  4. The area inundated by the 100-year 24-hour storm event shall not extend to within ten (10) ft of any property line of the property where the Facility is located.
  5. The maximum depth of water inundated by the 100-year 24-hour storm event shall be eight (8.0) ft.
  6. Provisions shall be provided for maintenance and emergency dewatering of the entire reservoir volume.
- H. All Noncommercial Outdoor Wood-Fired Boiler Facility (Facility) design, construction, installation, operation and maintenance shall comply with the following:
1. All Facilities shall be EPA Qualified Hydronic Heaters, Phase 2 or later. The Facilities shall comply with EPA Phase 2 air emission levels of no more than 0.32 pounds of fine particulates per million British Thermal Units (BTUs) of heat input.
  2. Space heating capacities shall be less than 120 percent of the average daily space heating (from December 15 through March 15) needs of the property where the Facility is located.
  3. Hot water production capacities shall be less than 120 percent of the average daily hot water needs of the property where the Facility is located.
  4. Facilities shall be located on the same property as the principal or accessory use they serve.
  5. Facilities shall not be located within any front yard nor along any street frontage.
  6. Facility setbacks shall comply with the greater of the structure setback requirements for the District in which the Facilities are located or the following:
    - a. At least 200 ft from the nearest property line and/or road right-of-way.
    - b. At least 500 ft from any Occupied Building located on an adjacent property.
  7. Facilities shall have permanent attached chimney stacks. Minimum chimney stack height shall be the highest of:
    - a. Ten (10) feet above the highest ground surface within twenty (20) feet of the Facility.
    - b. Two (2) feet above the highest roof peak of any Occupied Building located less than 200 feet from the Facility.
    - c. Two (2) feet above the highest roof peak of any Occupied Building located on adjacent property and less than 500 feet from the property line.
  8. Facility components and/or conveyances located between the boiler and the principal

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use building it serves must be located within the outdoor furnace enclosure, buried underground, or contained within said principal use building.

9. Facilities shall be installed, operated, and maintained in strict compliance with the manufacturer's specifications, instructions, and/or guidelines. In the event that a conflict arises between the manufacturer's specifications, instructions, and/or guidelines or the provisions of this Ordinance, the strictest shall apply.
10. No person shall operate a Noncommercial Wood-Fired Boiler Facility between May 1 and September 30.
11. Facility emissions shall not be detectable by beyond the lot on which the Facility is located, nor interfere with the reasonable enjoyment of life or property of neighbors, nor cause damage to vegetation or property of neighbors, nor be harmful to human or animal health.
12. Facilities shall be designed, constructed, and operated such that no exterior surface of the Facility nor any of its exposed above ground appurtenances shall at any time exceed a temperature of 120 degrees Fahrenheit.
13. For Facilities designed and/or constructed by the Facility Owner or Operator without manufacturer specifications, the Applicant shall be required to obtain a special exception and meet the burden of proof that the proposed used meets all applicable provisions of this Ordinance. In addition, the Applicant must present qualified expert evidence that the Facility is suitable and safe for the use of the fuels listed in G.14. If the Facility is approved, the fuel used shall be limited to those that the Zoning Hearing Board determines can be safely consumed.
14. No person shall operate a Noncommercial Wood-Fired Boiler Facility burning a fuel other than the following:
  - Clean wood
  - Wood pellets made from clean wood
  - Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired Facilities
15. No person shall operate a Noncommercial Wood-Fired Boiler Facility burning any of the following:
  - Any material not listed in G.14 immediately above
  - Treated or painted wood
  - Furniture
  - Garbage, rubbish or trash
  - Tires
  - Lawn clippings or yard waste
  - Material containing plastic
  - Material containing rubber
  - Waste petroleum products
  - Paints and paint thinners
  - Chemicals
  - Hazardous waste
  - Coal
  - Glossy colored paper



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- Construction and demolition debris
  - Plywood
  - Particleboard
  - Salt water driftwood
  - Manure
  - Animal carcasses
  - Asphalt products
16. No person shall operate a Facility unless it complies with all existing state and Township regulations. Some regulations of the Commonwealth that could apply include:
- 25 PA Code Section 121.7 - Prohibition of Air Pollution
  - 25 PA Code Section 123.1 - Fugitive Emissions
  - 25 PA Code Section 123.31 - Odor Emissions
  - 25 PA Code Section 123.41 - Visible Emissions
  - Section 8 of the APCA, 35 P.S. Section 4008 - Unlawful Conduct
  - Section 13 of the APCA, 35 P.S. Section 4013 - Public Nuisances
17. The following facilities and other activities are exempt from Noncommercial Outdoor Wood-Fired Boiler Facilities provisions:
- a. Maintenance, repair, or replacement in kind that does not materially alter the size, type, number, weight, and/or location of the Facility or portion(s) thereof.
  - b. Baking, cooking, or grilling by burning charcoal, wood, propane, or natural gas in baking, cooking, or grilling appliances.
  - c. Heating by burning coal, wood, propane, or natural gas in stoves, fireplaces, furnaces, or other heating devices intended for heating spaces used for human or animal habitation.
  - d. Heating by burning propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating spaces for construction or maintenance activities.
- I. All Noncommercial Solar Facility (Facility) design, construction, installation, operation and maintenance shall comply with the following:
- 1. Electrical generating capacities shall be less than twelve (12) kilowatts (kW) per residential unit on the residential property where the Facilities are located.
  - 2. Electrical generating capacities shall be less than 120 percent of the average daily electrical needs of the non-residential property where the Facilities are located.
  - 3. Hot water production capacities shall be less than 120 percent of the average daily hot water needs of the property where the Facilities are located.
- J. All Commercial and/or Noncommercial Wind Facility (Facility) design, construction, installation, operation and maintenance shall comply with the following:
- 1. Noncommercial Facility electrical generating capacities shall be less than twelve (12) kilowatts (kW) per residential unit on the residential property where the Facilities are located.

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2. Noncommercial Facility electrical generating capacities shall be less than 120 percent of the average daily electrical needs of the non-residential property where the Facilities are located.
  3. Wind Turbines shall be set back from the nearest Occupied Building, nearest property line, and nearest public right-of-way a distance not less than the Turbine Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the said Building, nearest portion of the said line, nearest portion of the said right-of-way, or nearest edge of the said easement.
  4. To the maximum extent practicable, Wind Turbines and associated towers shall be a non-obtrusive color such as white, off-white or gray, to maximize visibility of warning signs.
  5. Commercial Turbine Height shall be less than 200 feet. Noncommercial Turbine Height shall be less than 140 ft.
  6. Wind Turbines shall not be climbable up to fifteen (15) ft above ground surface.
  7. Tips of horizontal axis Wind Turbine rotor blades shall be at least fifteen (15) ft above the ground surface.
  8. Bottoms of vertical axis Wind Turbine rotor blades assemblies shall be at least fifteen (15) ft above the ground surface.
  9. Wind Turbines shall be equipped with a redundant braking system, including both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
  10. Audible sound from a Wind Facility shall not exceed fifty-five (55) decibels (dBA), as measured at the property line. Methods for measuring and reporting acoustic emissions from Wind Turbines shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.
  11. The Wind Facility Owner and Operator shall minimize shadow flicker to any Occupied Building.
- K. Upon request by the Township, Commercial Solar or Wind Facility Owners and Operators shall coordinate with emergency services to develop an emergency response plan.
- L. Commercial Solar or Wind Facility Owners and Operators shall maintain current Commercial General Liability Insurance with bodily injury and property damage combined single limit of liability of at least \$1 million for any occurrence and \$2 million in the aggregate. The Commercial Solar or Wind Facility Owner and Operator shall submit certificates of said Insurance to the Township upon request.
- M. Decommissioning of Commercial Solar or Wind Facilities shall be as follows:
1. In the event that a Commercial Solar or Wind Facility is damaged or has physically deteriorated to the point where it no longer complies with the provisions of this

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Ordinance, said Facility shall be decommissioned and removed from the property within sixty (60) days of the date that the Facility Owner or Operator or Participating Landowner receives notice from the Township. Any replacement Facility shall comply with the provisions of this Ordinance in effect at the time of replacement of said Facility.

2. In the event that a Commercial Solar or Wind Facility, or portions thereof, is abandoned, said Facility, or portions thereof, shall be decommissioned and removed from the property within sixty (60) days of the date that the Facility Owner or Operator or Participating Landowner receives notice from the Township. Facilities shall be considered abandoned if the Facility was not operated for its intended purpose for at least 180 consecutive days during a twelve (12) consecutive month period or if the Facility was not maintained pursuant to the manufacturer's recommendations during a three (3) consecutive month period.
3. York Township may require financial security for Decommissioning of Commercial Solar or Wind Facilities. The financial security shall be an amount sufficient for the Decommissioning by the Township and acceptable to the Township Solicitor.
4. If the Facility Owner, Operator, or the Participating Landowner should fail to complete Decommissioning within the periods prescribed by this Section, the Township may take such measures as necessary to complete Decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the Decommissioning plan.

### **SECTION 265-620. COMMERCIAL STABLE/RIDING STABLE**

Commercial Stable/Riding Stables are permitted by special exception in the RA District, subject to the following:

- A. All areas used for exercise and pasturing shall be securely fenced. Fencing shall be setback a minimum ten (10) feet from any property line and/or street right-of-way.
- B. All animals, except while exercising or pasturing, shall be kept within a completely enclosed building, erected and maintained for that purpose. Such enclosed structure shall be a minimum of 100 feet from any property line and/or right-of-way line.
- C. The accumulation and storage of manure or other odor-producing substances shall not be permitted.
- D. All outdoor training areas or show facilities shall be setback a minimum 100 feet from any property line or right-of-way line and enclosed by a minimum four (4) feet high fence.

### **SECTION 265-621. COMMUNICATIONS ANTENNA, ACCESSORY**

Communications Antennas, Accessory, are permitted by right as an accessory use in all Districts, subject to the following:

- A. An accessory antenna must be attached to an existing Communications Tower, smokestack, water tower, farm silo or other structure.

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- B. The height of the accessory antenna shall not exceed the height of the existing structure by more than 10 feet.
- C. All other uses associated with the accessory antenna, such as a business office, maintenance depot or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the zoning district in which the site is located.

### **SECTION 265-622. RESERVED FOR FUTURE USE**

### **SECTION 265-623. CONVENIENCE STORE (WITH OR WITHOUT FUEL DISPENSING)**

Convenience Stores without fuel dispensing are permitted by right in the CS and CI Districts and with Convenience Stores with fuel dispensing are permitted by special exception in the CS and CI Districts, subject to the following:

- A. Vehicle fuel dispensing facilities are permitted in conjunction with Convenience Stores in the CS and CI Districts but only with a special exception from the Zoning Hearing Board. Such dispensing facilities shall conform to the relevant requirements of Section 265-633.
- B. Drive through facilities, if provided, shall meet the requirements of Section 265-510.
- C. Food preparation and patron seating areas shall be limited to no more than twenty-five (25) percent of the gross floor area of the principal building.
- D. Outdoor sales displays and any vending machines shall be located under canopy, and shall be limited to ten (10) percent of the gross floor area of the principal building.
- E. Outdoor trash and recycling receptacles shall be provided at each public entrance/exit.

### **SECTION 265-624. CONVERSION APARTMENTS**

Conversion Apartments are permitted by special exception in the RM, RH or MRC Districts, subject to the following:

- A. In the RM District an existing building may be converted into no more than two (2) Dwelling Units.
- B. Any existing building converted into dwelling units shall meet the habitable floor area requirements of Section 265-517.
- C. The minimum lot area per Dwelling Unit shall comply with the underlying zoning district.
- D. If on-lot water and sewage is proposed, proof of availability and adequacy shall be provided.

### **SECTION 265-625. CREMATORIUM**

Crematoriums are permitted by right in the CI and I Districts, subject to the following:

- A. Crematoriums shall be completely operated and maintained within an enclosed building.
- B. Crematoriums shall comply with all state and/or federal licensing and regulations.

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- C. All Crematorium buildings shall be setback a minimum 100 feet from any property line.

### **SECTION 265-626. DAY CARE CENTER, CHILD OR ADULT**

All Day-Care Centers, Child or Adult, are permitted by right in the MRC, CO, CS, CI, and I Districts, and are permitted by special exception in the RH District, subject to the following:

- A. The provisions of this section shall apply to Day Care Centers, Child or Adult, providing full or part time service.
- B. All Day Care Centers, Child or Adult, shall obtain a certificate of licensure from the appropriate federal, state and/or local authority.
- C. The operator of a day-care center shall allow appropriate representatives of the Township to enter the property to inspect such use for compliance with the requirements of this chapter.
- D. An outdoor play area shall be provided for Day Care Centers, Child, and shall comply with the following:
1. Outdoor play areas shall not be located in the front yard and must be setback a minimum twenty-five (25) feet from any side or rear property line.
  2. Hours of outside play shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
  3. Off street parking lots shall not be used for outdoor play areas.
  4. Outdoor play areas shall be completely enclosed by a minimum six (6) feet high fence and screened from adjoining residential uses.
  5. All outdoor play areas shall provide a means of shade.
  6. Vegetation within outdoor play areas shall be safe for humans.
- E. Public water and sewer service shall be provided to the site.
- F. Day Care Centers, Child or Adult, may be permitted as an accessory use to Houses of Worship, Schools, Recreation Centers and similar uses by special exception. Accessory Day Care Centers, Child or Adult, must comply with all other requirements for day-care centers. In addition, evidence must be submitted to document that adequate indoor space, outdoor play space and safe vehicular access are provided.

### **SECTION 265-627. DAY CARE, IN HOME**

All Day Cares, In Home, are permitted by special exception in all Districts, subject to the following:

- A. Day Cares, In Home, shall obtain a certificate of licensure from the appropriate federal, state and/or local authority.
- B. One (1) sign no larger than one (1) s.f. shall be permitted.
- C. Day Cares, In Home, shall only be permitted in Single-Family Detached Dwellings and shall not be permitted in accessory buildings.

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- D. The person primarily responsible for the Day Care, In Home shall be a full-time resident.
- E. An outdoor play area shall be provided and shall comply with the following:
  - 1. Outdoor play areas shall be completely enclosed by a minimum six (6) feet high fence.
  - 2. Outdoor play areas shall not be located in the front yard.
  - 3. All outdoor play areas shall provide a means of shade.
  - 4. Vegetation within outdoor play areas shall be safe for humans.

### **SECTION 265-628. DOMICILIARY CARE HOME**

Domiciliary Care Homes are permitted by special exception in the RA, RL, RM, RH, MRC, CO, CS and CI District as an accessory use, subject to the following:

- A. Domiciliary Care Homes are permitted as an accessory use in any existing Single-Family Detached, Single-Family Semidetached or Single-Family Attached Dwelling.
- B. The Domiciliary Care Home shall obtain a certificate of licensure from the appropriate federal, state and/or local authority.
- C. The facility shall provide twenty (24) hour supervised, protective living arrangements, including meals.
- D. No facilities for cooking or dining shall be provided in individual rooms or suites.
- E. The family residing on the premises shall provide the care associated with a Domiciliary Care Home.
- F. The dwelling unit shall be the primary residence of the Domiciliary Care Home operator.

### **SECTION 265-629. ESSENTIAL SERVICES**

Essential Services buildings and structures are permitted by right in the CO, CS, CI and I Districts, and are permitted by special exception in the RL, RM, RH, MRC and RA Districts, subject to the following:

- A. Essential utility services (pump station, power substation, etc.) shall be exempt from lot area, height, lot coverage, setback and parking requirements.
- B. Essential services buildings (fire, police, ambulance, etc.) shall have minimum front, side and rear setbacks of twenty-five (25) feet unless the underlying district requires a greater distance, which shall then apply. Parking spaces shall be provided at one and one half (1.5) spaces for every employee, firefighter or E.M.T. in addition to 265-629.D below plus spaces required for on-site meeting facilities.
- C. Essential services uses shall be buffered from any residential use in accordance with SALDO Section 610 buffer planting strip 'B'.

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- D. Outdoor vehicle and/or equipment storage areas shall be enclosed with a fence six (6) to ten (10) feet in height.
- E. Essential services which provide temporary living quarters for emergency personnel shall meet the following:
  - 1. All applicable Township building code requirements shall be met.
  - 2. The maximum number of residents shall be indicated at the time of application, and that number shall not exceed one (1) resident per 250 square feet.
  - 3. A common kitchen, dining and/or gathering area may be provided. No facilities for cooking or dining shall be provided in individual rooms.
  - 4. Temporary living quarters shall only be utilized by emergency personnel directly involved with the Essential Service.
- F. Outdoor training facilities may be provided and shall be buffered from any residential use in accordance with SALDO Section 610 buffer planting strip 'C'. The burning of wood, debris and/or vehicles for training purposes is prohibited.
- G. Outdoor recreation facilities (e.g. BBQ pits, pavilions, sports fields) may be provided.
- H. A helipad may be permitted by Special Exception.
- I. Social halls and outdoor recreation facilities may be rented for private use.

### **SECTION 265-630. FARM MARKET/FARM CO-OP**

Farm Market/Farm Co-ops are permitted by special exception in all Districts, subject to the following:

- A. The Farm market/Farm co-op may be an accessory to an existing agricultural operation if conducted by the owner/operator of said operation.
- B. Multiple farmers operating farms within York Township or elsewhere within York County may combine into a single Farm Market/Farm Co-op (farm co-op) operated by one (1) or more of such farmers.
- C. The operator of a Farm Market/Farm Co-op or farm co-op may conduct a temporary non-agricultural event, activity, or display, the sole purpose of which is to generate interest or advertisement for the Farm Market/Farm Co-op or farm co-op. Such event, activity, or display shall be limited to no more than seven (7) days' duration. There may be no more than four (4) such events in any single calendar year. Adequate parking must be provided for each such event or activity.
- D. Farm Market/Farm Co-ops may sell prepared food which shall comply with local, state and federal food service and waste disposal requirements. The sale of prepared foods must be subordinate to and incidental to the primary purpose of Farm Market/Farm Co-ops which is the sale of agricultural products.

### **SECTION 265-631. FARM OCCUPATIONS**

Farm Occupations are permitted by special exception in the RA District, subject to the following:

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- A. Farm Occupations shall only be conducted upon actively farmed properties.
- B. For the purposes of this section, Farm Occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use.
- C. All parking and loading areas shall be screened from adjoining residential uses.
- D. Where a Farm Occupation is located within an existing or proposed building or portions thereof, it shall occupy no more than 4,000 square feet of gross floor area. Where a Farm Occupation is conducted outdoors, it shall occupy no more than one (1) acre. Any access drive serving the Farm Occupation and the farm shall not be calculated as land serving the Farm Occupation.
- E. Parking requirements shall be in accordance with Section 265-806. Parking spaces for the farm occupation shall not be stacked.

### **SECTION 265-632. FORESTRY (TIMBER HARVESTING)**

Forestry (Timber Harvesting) is permitted by right in all Districts, subject to the following:

- A. These provisions shall not regulate the following:
  - 1. Cutting of up to ten (10) percent of trees with a trunk diameter of six (6) inches or greater measured Diameter at Breast Height (DBH) on a lot in any calendar year, for routine thinning of woods;
  - 2. Cutting of trees with a trunk diameter of less than six (6) inches DBH;
  - 3. Cutting of dead or diseased or hazardous trees, and
  - 4. Cutting of trees as depicted on an approved subdivision and/or land development plan, or lot development plan.
- B. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
- C. No tops or slash shall be left within 25 feet of any public thoroughfare, trail or private roadway providing access to an adjoining residential property.
- D. All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to an adjoining residential property or within 50 feet of an adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
- E. No tops or slash shall be left within a stream channel or within 25 feet of the stream bank.
- F. Within seventy-five (75) feet of surface waters of this Commonwealth, or twenty-five (25) feet beyond the floodplain, whichever is greater, forestry is regulated as follows:
  - 1. All forestry is prohibited within twenty-five (25) feet of surface waters of this Commonwealth, except dead or diseased trees.



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2. The basal area of trees beyond twenty-five (25) from the surface waters of this Commonwealth shall not be reduced below sixty (60) percent of the basal area present before cutting.
  3. All earthmoving within this area shall be minimized or fully avoided.
- G. The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to public roads caused by traffic associated with the forestry operation to the extent the damage is in excess of that caused by normal traffic. Such repairs shall be coordinated with the York Township Department of Public Works.
- H. All forestry operations shall require the preparation of an Erosion and Sediment Control Plan following standards of the County Conservation District for a timber harvesting operation. Such Plan shall be submitted by the applicant to the Township and approved prior to any Forestry activity. A copy of the Plan shall be kept on site by the operators. If the forestry involves more than one (1) acre, then such Plan shall be submitted to the County Conservation District for pre-approval.

### **SECTION 265-633. FUEL DISPENSING STATION**

Fuel Dispensing Stations are permitted by special exception in the CS, CI and I Districts, subject to the following:

- A. Fuel pumps and any canopy structure shall be setback twenty-five (25) feet from the street right-of-way, and property lines.
- B. Except along access drives, a vertical concrete curb eight inches in height must be placed along all lot frontages.
- C. Canopy lighting must be directed downward toward the fuel pumps and shielded or recessed in accordance with the SALDO. Canopies shall be constructed of solid, non-translucent material.
- D. Outdoor sales displays and any vending machines shall be located under the fueling canopy, and shall be limited to ten (10) percent of the fuel canopy area.
- E. Outdoor trash and recycling receptacles shall be provided at each fuel dispensing island.
- F. Kiosks shall be located under the fueling canopy.
- G. Each fuel pump shall be provided with a minimum sixty (60) feet of vehicle stacking.

### **SECTION 265-634. FUNERAL HOME**

Funeral Homes are permitted by right in the CO, CS and CI Districts and by Special Exception in the MRC District and shall provide vehicle stacking on-site for a minimum length of 100 feet in order to avoid traffic congestion on neighboring streets.

### **SECTION 265-635. GOLF COURSE/FACILITY**

Golf Course/Facilities are permitted by special exception in all Districts, subject to the following:

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- A. Minimum lot area shall be as follows:
  - 1. Eighteen-hole regulation length course: 130 acres
  - 2. Eighteen-hole executive length course: sixty (60) acres
  - 3. Eighteen-hole par-three length course: forty-five (45) acres
  - 4. Nine-hole regulation length course: sixty-five (65) acres
  - 5. Nine-hole executive length course: thirty (30) acres
  - 6. Nine-hole par-three length course: twenty-five (25) acres
  
- B. All Golf Course/Facility buildings shall be set back fifty (50) feet from any adjoining streets and 100 feet from any adjoining residential uses.
  
- C. All outdoor storage of maintenance equipment and/or golf carts shall be screened in accordance with the SALDO and shall be setback at least 100 feet from adjoining residential uses and fifty (50) feet from any streets.
  - 1. Golf Course/Facilities may include a clubhouse with a restaurant, bar and banquet facilities, as well as the following accessory uses, provided that such accessory uses are incidental to the golf course/facility:
    - a. Snack bar
    - b. Locker and rest room
    - c. Pro shop
    - d. Administrative office
    - e. Golf cart and maintenance equipment storage and service facility
    - f. Fitness and health equipment, sports training
    - g. Game room, indoor recreational activities
    - h. Baby-sitting room and connected fence-enclosed play lot
    - i. Outdoor accessory recreation amenities, including:
      - 1) Driving range for use during daylight hours
      - 2) Practice putting green
      - 3) Swimming pool
      - 4) Court games
      - 5) Lawn games
      - 6) Picnic facility
      - 7) Playground equipment
    - j. Freestanding maintenance equipment and supply building and storage yard
  
- B. Any exterior lighting and/or amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties. Use of the outdoor public address systems shall only be permitted between the hours of 8 a.m. and 9 p.m. Exterior lighting other than that essential for the safety of the users of the premises shall be prohibited between the hours of 11pm and 6am.

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- C. In no case shall any golf course design or driving range design permit a golf ball to be driven across any building, building lot, parking lot, street, access drive or driveway or onto any abutting property.
- D. Golf paths shall be graded so as to discharge stormwater runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
- E. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
  - 1. Each crossing shall be perpendicular to the traffic movement.
  - 2. Only one street, access drive or driveway may be crossed at each location.
  - 3. Crossing is permitted at the intersection of a street, access drive or driveway, or must be a minimum of 150 feet from the intersection.
  - 4. All crossings must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway center line and the golf path centering, to a location on the center line of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area.
  - 5. All crossings shall be signed to alert motorists, pedestrians and golfers. The surface of the golf path crossing shall be brightly painted with angle strips.
  - 6. On-grade crossings of collector or arterial streets are prohibited. Crossings of collector or arterial streets shall consist of either a bridge or a tunnel and shall comply with PennDOT standards.
  - 7. Golf path intersections and crossings shall be designed to provide adequate safe stopping sight distance as required in the SALDO.
  - 8. The golf path shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the street crossing.
- F. In addition to the requirements of the SALDO, the applicant shall include the following:
  - 1. Runoff controls for herbicides, pesticides, fungicides and fertilizer and plans for the storage and disposal of the containers for those items
  - 2. Irrigation plan including emergency condition usage
  - 3. Mosquito control
  - 4. Nutrient plan to ensure no excess nitrates, phosphorous, herbicides, pesticides, fungicides or other fertilizer is used; when alternatives that are less potentially harmful to the environment are available, they shall be used.
- G. In addition to the setback regulations above, and those of the underlying district; tees, greens, and fairways shall be set back from property lines, parking lots and street rights-of-way a minimum fifty (50) feet.

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- H. The number of required parking spaces shall be the minimum amount required for the golf course/facilities, restaurant, bar and banquet facilities, plus all accessory uses.

### **SECTION 265-636. GROUP FACILITY**

The following Group Facility uses are permitted by special exception in the CS, CI, and I Districts, subject to the following:

- A. Temporary Shelter
1. The Temporary Shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.
  2. All applicable Township building code requirements shall be met.
  3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed one (1) resident per 250 square feet.
  4. Staff must be on-site and available to residents during all hours of operation.
  5. A common kitchen, dining and/or gathering area may be provided. No facilities for cooking or dining shall be provided in individual rooms.
- B. Group-Care Facility
1. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
  2. The applicant shall provide evidence that the Group-Care Facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The Group-Care Facility shall notify the Township, in writing, within 4 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.
  3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed one (1) resident per 250 square feet.
- C. Community Rehabilitation Facility
1. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
  2. The applicant shall provide evidence that the Community Rehabilitation Facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The Community Rehabilitation Facility shall notify the Township, in writing, within fourteen (14) days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.

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3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed one (1) resident per 250 square feet.
4. The facility shall have twenty-four (24) hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.
5. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.
6. The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.
7. A methadone treatment facility shall not be established or operated within 500 feet of an existing school, public park or playground, residential use, day-care facility or house of worship.

### **SECTION 265-637. GROUP HOME**

Group Homes are permitted by right in the RL, RM, RH, RA and MRC Districts, subject to the following:

- A. A Group Home shall be sponsored and supervised by a government agency or a parent organization, and shall have all necessary state and federal licenses.
- B. An on-site staff person shall be present at all times
- C. A Group Home may not provide medical, counseling, or other services to persons who do not reside in the facility.
- D. Occupants of a Group Home shall live as a family unit.
- E. A common kitchen and dining area shall be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

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

Heavy Equipment Sales, Rental, Service and 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 include sales, rental, service and repair of excavation machinery, commercial trucks, farm equipment, excavation equipment, trailers and other similar machinery.
- B. All service and/or repair activities shall be conducted within a completely enclosed building.
- C. The outdoor storage of inoperable machinery or vehicles waiting for repair must be in a fenced and screened area.
- D. Outdoor display shall be screened from view of any adjacent residential use in accordance with the requirements of the SALDO.

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- E. Outside display of materials and/or finished products shall not be permitted within any required setback.
- F. Flammable or explosive liquids, solids or gases stored in bulk shall comply with all applicable regulations of the United States Environmental Protection Agency; the Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshal Division, including notification and registration requirements.

### **SECTION 265-639. HELIPAD**

Helipads are permitted by special exception in the CO, CS, CI, I and RA Districts as an accessory use, subject to the following:

- A. Helipads are permitted by special exception as an accessory use on the same lot as another permitted use in the district, provided that it complies with all applicable State and Federal provisions.
- B. The landing pad area and approach zones shall be located a minimum 300 feet from any property line and 1,000 feet from any adjoining residential use.
- C. Lighting shall be limited to the minimum required by FAA regulations.
- D. No auxiliary facilities such as fueling or maintenance equipment shall be permitted.

### **SECTION 265-640. HOME OCCUPATION**

Home Occupations are permitted by special exception in all Districts as an accessory use, subject to the following:

- A. The person primarily responsible for the Home Occupation shall be a full-time resident of the premises. There shall be no more than one (1) non-resident employee.
- B. No more than twenty-five (25) percent of the gross floor area of the dwelling unit, excluding attics, attached garages and basements, may be used for the practice of a Home Occupation.
- C. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
- D. A Home Occupation shall limit any external evidence of an occupation to one sign, not exceeding one (1) square foot in area, subject to the sign regulations of this Ordinance. Said sign may only be externally lit and all lighting shall be shielded from adjacent streets and properties.
- E. Storage of materials, products or machinery used for the home occupation shall be wholly enclosed, shall not be visible from adjacent streets or properties, and shall not be included as a part of the twenty-five (25) percent under Subsection B above.
- F. In all zoning districts other than the RA District, the Home Occupation shall be conducted entirely within the dwelling (exclusive of storage). In the RA District, the Home Occupation may be conducted in an accessory building; provided, however, that the total gross floor

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area occupied by the Home Occupation shall not exceed fifty (50) percent of the gross floor area of the dwelling, excluding attics, attached garages and basements.

- G. Deliveries shall not restrict traffic circulation.
- H. Traffic generated by the Home Occupation shall not exceed volumes that would normally be expected in a residential neighborhood.
- I. A Home Occupation shall not produce dust, obnoxious odors, vibrations, lighting glare, fumes or smoke detectable on any adjacent streets or properties, nor shall it produce electrical interference. Where necessary, the building shall be adequately soundproofed so that sounds generated within the building cannot be perceived at the lot line.
- J. The disposal of all materials, fluids and gases shall be in a manner which complies with all regulations of the York Township Water and Sewer Authority and all other applicable government codes.
- K. Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
- L. Home Occupations utilizing or proposing to utilize explosive, highly flammable or hazardous materials shall require proof of Fire Department notification and compliance with applicable building and fire codes prior to using such materials.
- M. The hours of operation shall be specified.
- N. The permit application for a Home Occupation shall be submitted in such a form as the Zoning Officer may prescribe and shall be accompanied by the required filing fee as adopted by the Commissioners. The form shall include but not be limited to the following:
  - 1. Name, mailing address and phone number of applicant
  - 2. Street address of the property
  - 3. Description of all activities involved in the Home Occupation
- O. Home Occupation permits shall apply only to the applicant, occupation and premises stated in the application. The permit is non-assignable and nontransferable. Said permit shall also be deemed to be automatically revoked upon the earliest of the following:
  - 1. The death of the applicant
  - 2. The applicant moves from the premises where the permit was granted.
  - 3. The applicant otherwise ceases engaging in the Home Occupation.
- P. Home Occupation permits shall expire on December 31 of each year and, once granted, may be renewed without additional approvals and/or hearings, subject to the provisions of this section. An application form for permit renewal must be completed and submitted to the Zoning Officer with the annual permit fee by January 1. Failure to pay for the annual permit and/or failure to apply for renewal in a timely manner shall be grounds for revocation of a permit. The annual fee for a Home Occupation permit shall be established by resolution of the Commissioners and shall be payable no later than January 1 of each year.

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- Q. There may be one inspection each year by the Zoning Officer or a person designated by the Zoning Officer of Home Occupations issued a permit. In addition, the Zoning Officer or designee shall have the right to enter and inspect the premises covered by said permit for compliance purposes following notification of the applicant forty-eight (48) hours in advance of the inspection.
- R. In addition to the required parking for the dwelling unit, one (1) space shall be provided for each employee and at least two (2) additional spaces are required if customers will be visiting the business, except that in the case of doctors and dentists at least four (4) spaces are required. Parking spaces for the Home Occupation shall not be stacked.

### **SECTION 265-641. HOSPITAL**

Hospitals are permitted by special exception in the CO, CS, CI and I Districts, subject to the following:

- A. Hospitals shall be constructed and operated in accordance with all applicable laws of the Commonwealth.
- B. All buildings shall be located at least fifty (50) feet from all property lines or streets.
- C. Emergency entrances shall be located on a building wall facing away from adjoining residential uses.
- D. Maximum building height may be up to 100 feet provided that each building and/or structure shall be setback a distance equal to its height. For buildings exceeding fifty-five (55) feet, the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue are in place.
- E. Helipads shall only be used for the emergency transport of patients.

### **SECTION 265-642. HOTEL/MOTEL**

Hotels/Motels are permitted by special exception in the MRC, CO, CS and CI Districts, subject to the following:

- A. The maximum building height may be up to 100 feet in the CO, CS and CI Districts provided that each setback be increased one (1) foot for each additional foot of building height above forty-five (45) feet. The setback shall be the greater of either the horizontal distance from the building face nearest to the property line or right-of-way line, or the horizontal distance from each building face fronting the property line or right-of-way line. (See Appendix diagram.) The applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue are in place.
- B. Hotels/Motels may include an office and lobby, and may include such accessory uses as restaurants, bar, retail sales, coffee shops, dining areas, meeting rooms, conference facilities, recreation facilities, such as a swimming pool, spa, fitness area and play area.
- C. The number of required parking spaces shall be the minimum amount required for the hotel/motel plus each accessory use open to the public.
- D. Individual guest rooms and suites may include facilities for cooking.



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- E. One (1) freestanding sign per street frontage shall be permitted for the hotel/motel use which may include any accessory uses.

### **SECTION 265-643. HOUSE OF WORSHIP**

Houses of Worship are permitted by right in the RL, RM, RH, RA, MRC, CS, and CI Districts, subject to the following:

- A. A House of Worship with sanctuary seating of more than 400 shall be located along and have access to a collector or arterial street.
- B. Permitted accessory uses to a House of Worship when conducted upon the same lot may include:
  - 1. Administrative office
  - 2. Recreational facility
  - 3. Counseling office
  - 4. Social service
  - 5. Cemetery, except in the CS and CI Districts
  - 6. Related residences
  - 7. Other activities sometimes associated with a House of Worship, such as Age Restricted Community, Assisted Living, and convalescent/nursing home, shall be considered principal uses and allowed only if permitted in the underlying district.
  - 8. Day-Care Centers, Child or Adult, shall be permitted as an accessory use to a House of Worship in the CS and CI districts and by special exception in the RH and MRC Districts. The Day-Care Center, Child or Adult, must comply with the requirements of this Ordinance.
  - 9. Schools shall be permitted as an accessory use to a House of Worship in the RL, RM, RH, RA and MRC Districts. Where a separate building is proposed for a School, the regulations in Section 265-666 shall apply. The applicant shall demonstrate that required off-street parking for the school use is available.

### **SECTION 265-644. LANDSCAPE BUSINESS/LANDSCAPE YARD**

Landscape businesses/Landscape Yards are permitted in the RA Districts, subject to the following:

- A. All outdoor storage of bulk material (stone, mulch, soil, etc.) and equipment shall be screened from any residential use, in accordance with the SALDO, and shall meet the requirements of Section 265-526 Outdoor Storage for Commercial and/or Industrial Uses.
- B. Sales of bulk material shall be incidental to the use.
- C. Bulk material shall be stored in the rear yard area, and shall be enclosed with fencing and shall allow for the safe and efficient flow of pedestrian or vehicular traffic within the lot, without backing onto public streets. The storage areas shall be setback a minimum of fifty (50) feet from any property line and shall include a dust-free surface.

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- D. If on-lot water and sewage is proposed, proof of availability and adequacy shall be provided. Where public water and sewer is proposed, a secondary water meter or deduct meter shall be provided.
- E. All exterior amplified public-address systems shall be designed and arranged so as to prevent objectionable impact off the property.
- F. The maintenance and/or repair of equipment on-site shall be limited to that which is owned/leased by the owner/operator of the landscape business or yard.

### **SECTION 265-645. LAUNDROMAT/LAUNDRY/DRY CLEANING SERVICE**

Laundromat/Laundry/Dry cleaning services are permitted by right in the MRC, CO, CS and CI Districts, subject to the following:

- A. Chemical storage and waste disposal shall be in accordance with all state and federal requirements and requirements of the wastewater treatment plant serving the facility.
- B. Exhaust ventilation shall be directed away from any adjoining residential use and shall not exit the building within twenty (20) feet of the property line of a residential use.

### **SECTION 265-646. MANUFACTURED/MOBILE HOME PARK**

Manufactured/Mobile Home Parks are permitted by special exception in the RH District. An enlargement of an existing Manufactured/Mobile Home Park shall require a special exception as if it were a new establishment. Manufactured/Mobile Home Parks are subject to the following:

- A. A Manufactured/Mobile Home Park shall have access from a public street. All spaces/lots shall be accessible from an interior private street only.
- B. The proposed water supply and sewage disposal systems for a Manufactured/Mobile Home Park shall be approved by the Pennsylvania Department of Environmental Protection, the local Sewage Enforcement Officer and York Township.
- C. Mobile home lots/spaces in different sections of the Manufactured/Mobile Home Park may vary in size, but there shall not be more than eight (8) mobile home lots/spaces per acre.
- D. All manufactured/mobile homes shall be setback a minimum of fifty (50) feet from the Manufactured/Mobile Home Park property lines and street rights-of-way. A buffer planting strip consistent with type C of Section 610 of the SALDO shall be planted within said fifty (50) feet.
- E. In a Manufactured/Mobile Home Park, a separate space shall be provided for each manufactured/mobile home, which shall include the following:
  - 1. Adequate parking for two (2) vehicles
  - 2. A paved or concrete patio pad, a minimum of 120 square feet
  - 3. Each space shall be provided with individual connections for electricity, water supply and sewage disposal.

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- F. Each Manufactured/Mobile Home Park lots/space shall have minimum front and rear setbacks of twenty (20) feet. Side setbacks shall be a minimum of fifteen (15) feet.
- G. Each Manufactured/Mobile Home Park shall have a structure clearly identified as the office of the Manufactured/Mobile Home Park manager.
- H. Manufactured/Mobile home parks shall meet all requirements of the SALDO.

### **SECTION 265-647. MINERAL EXTRACTION/PROCESSING**

Mineral Extraction/Processing is permitted by special exception in the I District, subject to the following:

- A. In the case of any open excavation or processing areas, there shall be a fence completely enclosing the portion of the property in which the excavation or processing area is located, said fence shall be not less than eight (8) feet in height and shall be so constructed as to have openings no larger than six (6) inches. In addition, an earth berm shall be required at a minimum of six (6) feet in height around open excavation areas.
- B. A buffer planting strip shall be required consistent with type D of Section 610 of the SALDO along all property lines.
- C. No stockpiles, waste piles, processing equipment, private access road, truck parking areas, scales or any part of the open excavation or quarrying pit shall be located closer than 500 feet to any property line of an adjacent residential use.
- D. No stockpiles, waste piles, processing equipment, private access road, truck parking areas, scales or any part of the open excavation or quarrying pit shall be located closer than 100 feet to any property line of an adjacent nonresidential use.
- E. Truck access to any quarry operation shall be so arranged as to minimize danger to traffic and nuisance to neighboring properties.
- F. There shall be no noise audible at the property line of any neighboring residence between the hours of 6 p.m. and 7 a.m., except on an emergency basis.
- G. Operations and reclamation plans must comply with all state and/or federal licensing and regulations and copies of all such permits/approvals shall be provided to the Township.

### **SECTION 265-648. (RESERVED)**

### **SECTION 265-649. MULTI-FAMILY DWELLING**

Multi-Family Dwellings are permitted by special exception in the RH and MRC Districts, subject to the following:

- A. The minimum lot area shall be one (1) acre, calculated on a Net Lot Area. The total lot area shall provide, at a minimum, the following lot area per dwelling unit, calculated on Net Lot Area:
  - 1. Efficiency units: 1,000 square feet

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2. One-bedroom units: 1,500 square feet
  3. Two-bedroom units: 2,000 square feet
  4. Three- or more bedroom units: 2,500 square feet
- B. All buildings shall be setback a minimum of fifty (50) feet from the property lines or street rights-of-way. A buffer planting strip consistent with type C of Section 610 of the SALDO shall be planted within said fifty (50) feet.
- C. Lot Width shall be 200 feet minimum.
- D. The Multi-Family Dwelling complex shall have two (2) points of access from public streets. All units shall be accessible from interior private streets only.
- E. Minimum landscaped and equipped play areas and open space shall be calculated per dwelling unit in accordance with the following schedule:
1. Efficiency units: 5 s.f. play area and 300 s.f. open space
  2. One-bedroom units: 20 s.f. play area and 500 s.f. open space
  3. Two-bedroom units: 40 s.f. play area and 700 s.f. open space
  4. Three or more bedroom units: 80 s.f. play area and 900 s.f. open space
- F. Maximum building height may be increased up to sixty-five (65) feet provided that each building and/or structure shall be setback a distance equal to its height. For buildings exceeding fifty-five (55) feet, the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue are in place.

### **SECTION 265-650. MUNICIPAL PARK, PLAYGROUND AND/OR RECREATION AREA**

Municipal Parks, Playgrounds and/or Recreation Areas are permitted by right in all Districts, subject to the following:

- A. Municipal Parks, Playgrounds and/or Recreation Areas shall be permitted without regard to the minimum lot area regulations of the district in which they are located.
- B. Front, side and rear yard setbacks and height for any structures or buildings shall be provided in accordance with the regulations of the district.
- C. Parking requirements shall be determined by the Commissioners based on the size, location and use of the site.

### **SECTION 265-651. NONCOMMERCIAL KEEPING OF LIVESTOCK**

Noncommercial Keeping of Livestock is permitted in the RA District as an accessory use, and is permitted by special exception in the RL and RM Districts as an accessory use, subject to the following:

- A. The minimum required lot area shall be two (2) acres. In addition, the following specifies lot area requirements by the size of livestock kept. The keeping of a combination of livestock

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(Group 1, 2, 3 or 4) shall require a density equal to the ratio of the number of livestock by type, in no case shall a lot contain more than fifty (50) total livestock.

1. Group 1: Livestock with an average adult weight of less than ten (10) pounds shall be permitted at a density of twelve (12) per acre, up to a maximum of forty-eight (48).
  2. Group 2: Livestock with an average adult weight between ten (10) and 100 pounds shall be permitted at a density of five (5) per acre.
  3. Group 3: Livestock with an average adult weight between 100 and 200 pounds shall be permitted at a density of two (2) per acre.
  4. Group 4: Livestock with an average adult weight greater than 200 pounds shall be permitted at a density of one (1) per acre.
- B. No structure used to house noncommercial livestock shall be located within the front yard. The following lists minimum setbacks (from side and rear lot lines) imposed upon the placement of any structure used to house noncommercial livestock. Should one structure be used to house more than one type of livestock, the most restrictive setback shall apply.
1. Group 1: twenty-five (25) feet
  2. Group 2: fifty (50) feet
  3. Groups 3 and 4: 100 feet
- C. All outdoor pasture/recreation areas shall be enclosed with fencing sufficient to prevent the escape of livestock; such fencing shall be set back at least ten (10) feet from all property lines.
- D. All livestock and their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties. All livestock wastes shall be managed in accordance with the most current PA-DEP published guidelines for manure management.
- E. All Noncommercial Keeping of Livestock operations shall comply with all applicable federal and state laws.

### **SECTION 265-652. OUTDOOR RACE TRACK**

Outdoor Race Tracks are permitted by special exception in the RA District, subject to the following:

- A. The minimum required lot area shall be ten (10) acres.
- B. Fencing, a minimum four (4) feet high and up to a height of ten (10) feet, and buffers, in accordance with Buffer Planting Strip D in the SALDO, shall be provided around the perimeter of the property, with gates for vehicle admission.
- C. All buildings shall be setback fifty (50) feet.
- D. All areas used for racing, testing and maintenance of motor vehicles shall be set back a minimum 400 feet from any property line.
- E. Hours of operation shall be between 10:00 am and 11:30 pm.

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- F. Overnight parking and/or all forms of camping shall be prohibited.
- G. Any exterior lighting and/or amplified public address system shall be arranged and designed so as to prevent adverse impact on adjoining properties. Use of the outdoor public address systems shall only be permitted between the hours of 10:00 am and 11:00 pm. Exterior lighting other than that essential for the safety of the users of the premises shall be prohibited between the hours of 11:30pm and 6:00 am.
- H. Accessory uses such as concession stands, pavilions, play areas, stables, garages and picnic areas etc. may be permitted.
- I. Any stables, feed areas or manure storage areas shall be located a minimum 100 feet from any lot line.
- J. Outdoor trash and recycling receptacles shall be provided amid any accessory uses. Such trash receptacles shall be emptied so as to prevent the scattering of litter and debris.
- K. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods.
- L. Fueling facilities shall comply with all federal, state and local regulations, including but not limited to those pertaining to the use and storage of fuel, oil, and other related products, and the operation of motorized vehicles.
- M. If on-lot water and sewage is proposed, proof of availability and adequacy shall be provided. Where public water and sewer is proposed, a secondary water meter or deduct meter shall be provided.
- N. Parking, loading and unloading for pit areas shall be setback a minimum 150 feet from any property line.
- O. No outdoor accumulation of trash or scrap waste shall be permitted.

### **SECTION 265-653. PUBLIC/SEMI-PUBLIC BUILDINGS AND USES**

Public/Semi-public buildings and uses are permitted by special exception in all Districts, subject to the following:

- A. Consideration shall be given to parking and traffic problems. If the nature of the building or use is such that it will generate a high volume of traffic, then the building or use shall be easily accessible by an arterial or collector street as designated in the Township Comprehensive Plan.
- B. Public/Semi-Public Buildings and Uses shall have minimum front, side and rear setbacks of twenty-five (25) feet unless the underlying district requires a greater distance, which shall then apply.
- C. Public/Semi-Public Buildings and Uses shall be buffered from any residential use in accordance with SALDO Section 610 buffer planting strip 'B'.

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- D. Outdoor vehicle and/or equipment storage areas shall be enclosed with a fence six (6) to ten (10) feet in height.
- E. Drop boxes may be placed outside the building, but shall not obstruct pedestrian access.
- A. All entrances to accessory services shall only be accessible through the main entrance of the building.

### **SECTION 265-654. PUBLIC/QUASI-PUBLIC PARKING LOT AND/OR GARAGE**

Public/Quasi-Public Parking Lot and/or Garages are permitted by special exception in the CS, CO, CI and I Districts, subject to the following:

- A. Lighting shall be required within the parking lot and/or garage, as well as entrance(s) and exit(s).
- B. No vehicle in a parking lot and/or garage shall be parked for more than twenty-four (24) consecutive hours.
- C. Any structures or vending machines provided shall meet the underlying setback requirements.

### **SECTION 265-655. RECREATION FACILITY (INDOOR)**

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

- A. All activities shall take place within a completely enclosed building.
- B. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods.
- C. If the proposed use is a firearm or archery range, it must be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range, or according to the national standards for archery ranges, whichever applies. The range shall be used for only the type of firearms or arrows for which it is designed.
- D. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- E. Any accessory food or retail sales area shall only be accessible through the main entrance of the building.
- F. A Temporary Use Permit in accordance with the requirements of Section 265-535 shall be required for special events such as expos, trades shows or tournaments when off-site parking is necessary.
- G. Summer day camps for children are permitted only during the months of June, July and August and shall be directly related to the specific type of recreation business being conducted.

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### SECTION 265-656. RECREATION FACILITY (OUTDOOR)

Recreation Facilities (Outdoor) are permitted by right in the CS, CI, and I Districts, and by special exception in the RL, RM, RH, RA and MRC Districts, subject to the following:

- A. The minimum required lot area shall be five (5) acres.
- B. All outdoor storage of maintenance equipment and bulk storage shall be setback a minimum fifty (50) feet from any property line and shall be screened from view in accordance with the requirements of the SALDO for refuse collection stations.
- C. All off-street parking and/or loading areas shall be screened from adjoining residential uses. In addition, refuse collection stations shall be screened in accordance with the requirements of the SALDO.
- D. Screening and buffering shall be as provided in accordance with the SALDO. Buffering shall be no less than the requirements of Buffer Planting Strip 'A' unless otherwise specified by the Zoning Hearing Board.
- E. Any exterior lighting and/or amplified public address system shall be arranged and designed so as to prevent adverse impact on adjoining properties. Use of the outdoor public address systems shall only be permitted between the hours of 8am and 11pm. Exterior lighting other than that essential for the safety of the users of the premises shall be prohibited between the hours of 11pm and 6am.
- F. Accessory concession stands, pavilions, play areas and picnic areas shall be setback from property lines, a minimum twenty-five (25) feet.
- G. Outdoor trash and recycling receptacles shall be provided amid any outdoor recreation areas. Such trash receptacles shall be emptied so as to prevent the scattering of litter and debris.
- H. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods.
- I. Overflow parking for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior access drive of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Such areas shall be kept in a mud free, dust free condition.
- J. Fencing, to a height of ten (10) feet may be provided.
- K. A Temporary Use Permit in accordance with the requirements of Section 265-553 shall be required for special events such as expos, trades shows or tournaments when off-site parking is necessary.
- L. Summer day camps for children are permitted only during the months of June, July and August and shall be directly related to the specific type of recreation business being conducted.



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### **SECTION 265-657. RECYCLING CENTER OR PLANT**

Recycling Centers or Plants are permitted by special exception in the CI and I Districts, subject to the following: These requirements apply only to the extent that they exceed current state and/or federal requirements.

- A. All Recycling Center or Plant operations shall be conducted entirely within a wholly enclosed building; however, the collection of paper, plastics, glass and/or metal products may be conducted in outdoor containers, provided that materials shall be stored in enclosed leak and vector proof containers and shall not be stored outdoors for a period in excess of forty-eight (48) hours. Litter control shall be exercised to prevent the scattering of debris by wind, water or vermin.
- B. Fencing and gates shall be erected around all such facilities to limit access to the site. Access to the site shall be limited to those posted times when an attendant is on duty. Fencing may be allowed to a height of ten (10) feet.
- C. Vehicle stacking lanes shall be provided at a minimum length of 100 feet to avoid vehicle backups onto adjoining roads.
- D. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
- E. Control measures, such as fencing and buffers, shall be provided to mitigate problems with noise, fumes, and dust.

### **SECTION 265-658. REHABILITATION/THERAPY FACILITY**

Rehabilitation/Therapy Facilities are permitted by special exception in the CO, CS and CI Districts, subject to the following:

- A. In the event that the Rehabilitation/Therapy Facility requires certification and/or licenses from Federal and/or State agencies, the applicant must establish that he has secured or will be able to secure such certifications and licenses. Copies shall be provided to the Township.
- B. The minimum lot area shall be 1,000 square feet per bed, but in no case shall the lot area be less than that required for the Zoning District in which such facility is to be constructed.
- C. Building setbacks shall be a minimum fifty (50) feet from any property line and/or street right-of-way.
- D. Emergency entrances shall be located on a building wall facing away from adjoining residential uses.

### **SECTION 265-659. RESEARCH FACILITY AND/OR LABORATORY**

Research Facilities and/or Laboratories are permitted by special exception in the CI and I Districts, subject to the following:

- A. In the event that the facility requires certification and/or licenses from Federal and/or State agencies, the applicant must establish that he has secured or will be able to secure such certifications and licenses. Copies shall be provided to the Township

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- B. Where hazardous materials are present, the Research Facility and/or Laboratory shall have a Hazard Mitigation Plan in place.
- C. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
- D. Building setbacks shall be a minimum fifty (50) feet from any property line and/or street right-of-way.

### **SECTION 265-660. RESIDENTIAL CONSERVATION DEVELOPMENT**

Residential Conservation Development is required in the RL, RM, RH, RA and MRC Districts and shall meet the criteria of the Residential Conservation Development Plan Procedures and Specifications of the SALDO for tracts of land consisting of fifteen (15) or more acres, Gross Lot Area, in existence at the time of Ordinance adoption. Such requirements shall not apply to Lot Line Adjustment Plans or one (1) Minor Plan application which may create two (2) additional lots. Any further subdivision will also be subject to the following:

- A. Permitted uses and densities shall be in accordance with the applicable underlying District. In the RM, RH and MRC Districts a mix of dwelling types is encouraged.
- B. Public water and sewer shall be provided for development within the UGB.
- C. Required Open Space
  - 1. The minimum area for required open space, based upon the Net Lot Area in existence at the time of Ordinance adoption, shall be:
    - a. RL District - twenty (20) percent
    - b. RM District - twenty-five (25) percent
    - c. RH District - thirty (30) percent
    - d. MRC District – forty (40) percent
  - 2. The required open space shall not include streets, private yards, parking spaces, minimum required space between buildings, buffer areas on individual lots, or stormwater BMPs and/or facilities (except as described in 4.g. below), whether community or individual.
  - 3. Required open space shall be accessible to all residential units within the Residential Conservation Development and shall be connected by walking paths, sidewalks or trails and shall be designed as a continuous system of usable area.
  - 4. Future subdivision or development of required open space shall be prohibited. The following uses are permitted for required open space:
    - a. Conservation of land in a natural state.
    - b. Agricultural and horticultural uses, including raising crops or livestock, and related accessory buildings. Specifically excluded are commercial and intensive feed lot and livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odor. Agricultural and horticultural uses shall not consume more than fifty (50) percent of the required open space.

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- c. Pastureland and equestrian facilities for horses used solely for recreational noncommercial uses shall be permitted.
- d. Forestry.
- e. Village greens, central commons, picnic areas, community gardens, trails, and similar low impact passive recreational uses.
- f. Active non-commercial recreation areas, such as playing fields, pervious courts, swimming pools, picnic areas, playgrounds and bikeways. Such recreational uses shall meet the following standards:
  - 1) Such areas shall not consume more than fifty (50) percent of the required open space or five (5) acres whichever is less.
  - 2) Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel.
  - 3) Minimum pervious parking facilities may be permitted, but shall not count toward the 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

Said stormwater BMPs shall not constitute more than fifty (50) percent of the area of required buffers. Required buffer areas occupied by said stormwater BMPs shall not be credited as open space in the calculation of Net Lot Area.

The following stormwater BMPs are permitted within required buffers of Open Spaces, only with the approval of the Township Engineer:

- (BMP 6.7.1) Riparian Buffer Restoration
- (BMP 6.8.1) Floodplain Restoration

The following stormwater BMPs are permitted within Open Spaces and within required buffers of Open Spaces:

- (BMP 5.4.1) Protect Sensitive/Special Value Features
- (BMP 5.4.2) Protect/Conserve/Enhance Riparian Areas (i.e. Riparian Forest Buffers)

All said stormwater BMPs listed in this subsection shall comply with the guidelines of the Pennsylvania SWM BMP Manual.

- h. Where approved by the Board of Commissioners, the Open Space required by Section 265-660.C.1 hereof may be used as a Golf Course Facility (or as a portion of a Golf Course Facility in connection with adjacent property), in accordance with the following:
  - 1) The Golf Course Facility shall comply with specific requirements of Section 265-635 of this Ordinance except to the extent that such requirements conflict with the requirements of the Section;

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- 2) Open Space to be used as a Golf Course Facility shall be located on a separately deeded parcel. Such parcel shall be permitted to be conveyed to persons having no other interest in the Residential Conservation Development where the deed of conveyance contains a restriction limiting the use of said parcel to a Golf Course Facility and permitted accessory uses thereto. The form of the deed and said restriction shall be reviewed and approved by the Township's Solicitor. The deed conveying such parcel shall further require that if the parcel ceases to be used as a Golf Course Facility said parcel shall automatically be offered for dedication to York Township as public Open Space. The Township may, in its discretion, accept the dedicated land, or in the alternative, refuse the dedication, in which case the property shall revert to the Homeowner's Association, which shall be responsible for the maintenance and upkeep of the property as Open Space.
5. Specifically prohibited from required open space:
  - a. Motorized off-road vehicles, shooting ranges, and other uses similar in character and impact
  - b. Surface mining and quarrying
6. Required open space shall be established by a statement of covenants, which shall address ownership, responsibilities, methods of maintenance and utilization. Such covenants shall be reviewed by the Solicitor. Covenants shall not be altered or amended after Township approval without the specific consent of the Commissioners.
7. When located within open spaces, stormwater BMPs and/or facilities listed as permitted within required buffers in SALDO Section 610.D.2, are permitted only within required buffers located within those open spaces. Stormwater BMPs and/or facilities shall not constitute more than fifty (50) percent of the area of required buffers located within open spaces. Required buffer areas occupied by stormwater BMPs and/or facilities shall not be credited as open space in the calculation of Net Lot Area.
8. Open space land that is not wooded or farmed shall be graded and landscaped for the intended purpose.

### **SECTION 265-661. RESTAURANT; RESTAURANT, TAKE OUT; RESTAURANT, FAST FOOD**

Restaurants, and take out restaurants are permitted by right in the MRC, CO, CS, CI and I Districts. Fast-food restaurants are permitted by right in the CS, CI and I Districts, subject to the following:

- A. Any exterior lighting and/or exterior speaker/microphone system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
- B. Outdoor trash and recycling receptacles shall be provided for patrons. Such trash receptacles shall be emptied so as to prevent the scattering of litter and debris.
- C. Drive through facilities shall meet the requirements of Section 265-510.

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- D. Outdoor seating and play areas shall meet the requirements of Section 265-525.

### **SECTION 265-662. ROADSIDE MARKET**

Roadside Markets are permitted by special exception in any District, subject to the following:

- A. The use may only be located upon an actively farmed property of at least ten (10) acres. At least one (1) of the operators/owners of the Roadside Market shall be involved in the active farming of the property.
- B. The Roadside Market building and/or greenhouse(s) shall be setback at least thirty-five (35) feet from any property line and any street right-of-way and fifty (50) feet from any adjoining residential use.
- C. No more than 2,500 square feet of gross floor area shall be devoted to the Roadside Market building and greenhouse(s). No more than 12,000 square feet of lot area shall be devoted to the Roadside Market use.
- D. Parking areas shall include an improved dust-free surface of paving or stone gravel. No off-street loading area shall be located between the Roadside Market and the street or within the required off-street parking spaces.

### **SECTION 265-663. ROOMING HOUSE**

Rooming Houses are permitted by right in the CS and CI Districts, and are permitted by special exception in the MRC and RA Districts, subject to the following:

- A. The Rooming House must be owner-occupied.
- B. No facilities for cooking shall be provided in individual bedroom units.
- C. Minimum stay is five (5) days.
- D. No more than two (2) beds per bedroom unit.
- E. All bedroom units shall be contained within the principal building.
- F. There shall be no more than one (1) bedroom unit per 700 square feet of gross floor area in the principal building, with up to a maximum of five (5) units.

### **SECTION 265-664. SALVAGE YARD/JUNK YARD**

Salvage Yard/Junk Yards are permitted by special exception in the I District, subject to the following:

- A. Minimum lot area shall be ten (10) acres.
- B. Any area used for this purpose must be a minimum of fifty (50) feet from any property line or street rights-of-way and a minimum of 100 feet from any residential district or use.
- C. The Salvage Yard/Junk Yard shall be enclosed by an opaque fence or wall of a uniform design, texture and structure. Such fence or wall shall not be less than eight (8) feet or more

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- than ten (10) feet in height. The erection of said fence shall be completed prior to issuance of a Certificate of Use. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the salvage or storage of junk and shall not be applicable to the balance of the property owned or used by said Salvage Yard/Junk Yard operator so long as said remaining portion of land is not being used for the salvage or storage of junk as defined in this Ordinance.
- D. All structures associated with the salvage yard/junk yard operations shall be located within the fenced or walled enclosure.
  - E. All salvage materials/junk shall be stored and arranged so as to permit access by firefighting equipment and for inspection purposes and to prevent the accumulation of stagnant water.
  - F. No garbage or other organic waste shall be stored on such premises.
  - G. No open burning shall be permitted.
  - H. All salvage materials/junk contained in a Salvage Yard/Junk Yard shall be arranged and maintained in a neat and orderly fashion. All vehicles and other salvage materials/junk shall be arranged in rows with a minimum of twenty-six (26) feet of clear space between rows with each salvage material/junk row to be no greater in width than forty (40) feet. Salvage materials/junk shall be stored to a height no greater than the height of the fence or wall.
  - I. No salvage material/junk shall be stored or located within 100 feet of any flood plains or other surface waters of this Commonwealth.
  - J. The applicant shall create sufficient drainage swales so as to preclude water from lands at higher grade than the applicant's from washing over the applicant's land. The site shall be graded and maintained to prevent the accumulation of stagnant water.
  - K. The applicant shall submit and demonstrate the ability to implement an operations plan that shall include the following:
    - 1. The unloading, transfer, and disposition of salvage material/junk shall be continuously supervised.
    - 2. Vehicle stacking shall be provided on-site for a minimum length of 100 feet in order to avoid traffic congestion on neighboring streets.
    - 3. There shall be no access permitted to the site when an attendant is not on duty.
    - 4. Access drives shall be secured by fences, gates, locks, and other means to deny access at unauthorized times.
    - 5. Drainage of fluids shall be conducted only with appropriate collection and storage facilities.
    - 6. There shall be a plan for the proper handling and prompt removal of all hazardous waste.
  - L. Crushing of vehicles and operation of a crusher shall occur only during Monday through Friday and only between the hours of 7:00 am and 7:00 pm.

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- M. The operator shall drill a sampling well at a location on the property acceptable to the Township. The operator shall test the well water on a monthly basis for the presence of petroleum residues and shall submit an annual report to the Township by February 1 for the preceding year. The operator shall advise the Township and PA-DEP of any deterioration of water quality within seventy-two (72) hours. In such case, the operator shall be required to take remedial action to remove contamination and cease accepting any additional salvage materials/junk until such remedial action has been completed. If such remedial action is not initiated within thirty (30) days, the use shall terminate and all salvage materials/junk shall be removed from the Salvage Yard/Junk Yard within the following ninety (90) days.
- N. The use shall front upon and have direct access to a collector or arterial street as designated in the Township Comprehensive Plan.

### **SECTION 265-665. SCHOOL, COMMERCIAL OR COLLEGE/UNIVERSITY**

Schools, Commercial or Colleges/Universities are permitted by right in the CO, CS and CI Districts, subject to the following:

- A. The minimum front, side and rear setback for all structures shall be fifty (50) feet.
- B. Parking areas shall be setback a minimum twenty-five (25) feet from all property lines.
- C. Maximum building height may be up to sixty-five (65) feet provided that each building and/or structure shall be setback a distance equal to its height. For buildings exceeding fifty-five (55) feet, the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue are in place.
- D. Athletic fields or facilities which utilize illumination shall shield the lighting from residential uses and adjacent streets.

### **SECTION 265-666. SCHOOL, PUBLIC/PRIVATE**

Schools, Public/Private are permitted by right in the RL, RM, RH, RA and MRC Districts, subject to the following:

- A. The minimum front, side and rear setback for all structures shall be fifty (50) feet.
- B. Parking areas shall be setback a minimum twenty-five (25) feet from all property lines.
- C. Maximum impervious area shall be fifty (50) percent.
- D. Maximum building height may be up to sixty-five (65) feet provided that each building and/or structure shall be setback a distance equal to its height. For buildings exceeding fifty-five (55) feet, the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue are in place.
- E. All outdoor play areas adjacent to any commercial, industrial or residential use shall be fenced.

## Article 6 – Specific Regulations

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### **SECTION 265-667. SEASONAL SALES**

Seasonal sales are permitted by Seasonal Sales Permit issued by the Zoning Officer in the MRC, CO, CS and CI Districts, subject to the following:

- A. Erection of a tent, canopy or other temporary structure may be allowed.
- B. No Seasonal Sales shall be conducted for a period longer than thirty (30) consecutive days, and cumulative Seasonal Sales shall not be conducted for more than sixty (60) days in a calendar year.
- C. The Seasonal Sales and display area shall be set back at least twenty-five (25) feet from all property lines and street rights-of-way.
- D. The location of the sales and display area shall not restrict pedestrian and/or vehicular traffic flow on the lot.
- E. The Seasonal Sales Permit shall be prominently displayed throughout the event.
- F. Sales normally considered "street corner vending" is prohibited.
- G. Signs erected on the property in conjunction with the event shall be considered temporary signs and shall be subject to the sign regulations of this Ordinance.
- H. Fund raising activities by a not-for-profit organization or club are allowed. All regulations of this section shall apply to such Seasonal Sales, except subsection B.

### **SECTION 265-668. SELF-SERVICE STORAGE FACILITY**

Self-Service Storage Facilities are permitted by right in the I District and are permitted by special exception in the CI District, subject to the following:

- 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 twenty (20) feet wide when cubicles open onto one side of the lane only and a minimum 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.
- B. Trailer/truck rentals may be permitted. Storage of rental vehicles shall be in accordance with subsection D.
- C. External storage may be provided for the storage of operable and properly inspected, licensed and registered vehicles, travel trailers and/or boats, so long as such external storage area is fenced and screened from adjoining residential uses and adjoining streets and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperative vehicles. All external storage areas shall have a paved surface.
- D. No door openings for any self-service storage unit shall be constructed facing any adjacent residential use.



## Article 6 – Specific Regulations

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- E. The following uses are prohibited and all Self-Service Storage Facilities' rental and/or use contracts shall specifically prohibit these uses:
1. Bulk storage of flammable, combustible, explosive or hazardous materials. Nothing in this section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
  2. Repair, construction, reconstruction or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles or furniture.
  3. Auctions, except as provided for in the Self-Service Storage Facilities Act, commercial wholesale or retail sales not related to the storage activity on the premises or garage sales.
  4. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns or other similar tools or equipment.
  5. Any business activity within the storage units.

### **SECTION 265-668.1. VERTICAL SELF-SERVICE STORAGE FACILITY**

- A. Buildings shall be no less than two (2) stories and no more than five (5) stories high, maximum height of forty-five (45) feet, with an increase of one foot in height for each one foot increase in setbacks, to a maximum of fifty-five (55) feet.
- B. Parking for Vertical Self-Service Storage Facilities shall be provided in a parking lot containing one (1) space per fifty (50) units and two (2) spaces for onsite manager, with a minimum of five (5) spaces regardless of number of units.
- C. Trailer/truck rentals shall not be permitted.
- D. Lighting: all lighting shall be shielded to direct light away from adjacent properties and streets. Sufficient light levels shall be provided to ensure public safety during operations.
- E. Office: an accessory office for the Vertical Self-Service Facility operations and management shall be permitted.
- F. Multiple Buildings: multiple buildings are permitted.
- G. Loading: adequate area for loading and unloading shall be provided in proximity to the exterior doors of each building.
- H. The following uses are prohibited and all Vertical Self-Service Storage Facilities' rental and/or use contracts shall specifically prohibit these uses:
1. Bulk storage of flammable, combustible, explosive or hazardous material. Nothing in this section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
  2. Repair, construction, or reconstruction or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.

## Article 6 – Specific Regulations

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3. Auctions, except as provided for in the Self-Storage Facilities Act, 73 P.S. § 1901, et seq., commercial, wholesale or retail sales not related to the storage activity on the premises, or garage sales.
4. The operation of power tools, spray-tanning equipment, compressors, welding equipment, kilns or other similar tools or equipment.
5. Any business activity in the storage units.
6. Outdoor storage of any kind.

### **SECTION 265-669. SHOOTING RANGE (OUTDOOR), COMMERCIAL**

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

- A. Minimum Gross Lot Area shall be ten (10) acres.
- B. Shooting Ranges must comply with all applicable Federal and State laws and regulations regarding the discharge of firearms.
- C. Shooting Ranges shall be designed and constructed in accordance with the National Rifle Association's (NRA) standards for firearms or according to National Field Archery Association (NFAA) standards for archery ranges, as applicable.
- D. The Shooting Range shall be operated in strict accordance with NRA or NFAA standards for operation and safety, as applicable.
- E. The Shooting Range shall not be lighted for nighttime use. Firing shall be limited to the hours between one (1) hour after sunrise and one (1) hour preceding sunset.
- F. Live ammunition on site for more than twenty-four (24) hours must be stored indoors in an area secured from general access.
- G. The land development plan shall identify the safety fan for each firing range.
- H. The firing range, including the safety fan, shall be enclosed with a minimum eight (8) foot high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of 100 foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!!!"
- I. All Shooting Range facilities, including buildings, parking, firing range, and safety fan shall be set back a minimum of 100 feet from the property line and street right-of-way and at least 1,300 feet from any residential use.
- J. A buffer planting strip consistent with type D of Section 610 of SALDO shall be provided along the perimeter of the site.

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### **SECTION 265-670. SHOPPING CENTER/SHOPPING MALL**

Shopping Centers/Shopping Malls are permitted by right in the CS and CI Districts, subject to the following:

- A. Minimum Net Lot Area shall be three (3) acres minimum. The area of any outparcel shall be in addition to the minimum Net Lot Area of three (3) acre and shall meet the requirements of the District.
- B. Lot width shall be 300 feet minimum.
- C. All buildings must be set back at least fifty (50) feet from any property line or any street right-of-way line.
- D. All access drives shall be set back a minimum 100 feet from the intersection of any street rights-of-way, unless aligned with an existing street intersection.
- E. All outparcels shall have ingress and egress via internal access drives. Cross easements for access and parking shall be required.
- F. Outparcel parking shall be calculated separately from the shopping center/shopping mall.

### **SECTION 265-671. SOCIAL/FRATERNAL CLUBS OR ORGANIZATION**

Social/Fraternal Clubs or Organizations are permitted by right in the CS and CI Districts, and are permitted by special exception in the RA District, subject to the following:

- A. Social/Fraternal Clubs or Organizations shall be incorporated pursuant to the provisions of a federal charter, membership corporation or unincorporated association and cater exclusively to members and their guests.
- B. All outdoor recreation activities shall be conducted during daylight hours only, and shall be setback fifty (50) feet from the property line of any residential use.
- C. Where a special exception is required, the applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
- D. Where a special exception is required, the applicant shall furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to sound or loitering outside the building.

### **SECTION 265-672. SOLID WASTE DISPOSAL FACILITY**

Solid Waste Disposal facilities are permitted by special exception in the I District, subject to the following:

- A. Minimum Net Lot Area shall be fifty (50) acres.
- B. Solid Waste Disposal Facility shall have direct access to a collector or arterial street.

## *Article 6 – Specific Regulations*

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- C. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences at gates or other positive means designed to deny access to the area at unauthorized times or locations.
- D. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- E. No solid waste shall be deposited or stored and no building or structure shall be located within 200 feet of any property line or within 500 feet of any residential use.
- F. Buffer areas a minimum width of 150 feet along the perimeter of the lot shall be required. No structures, storage, parking or any other related activity or operation shall be permitted within this area. The buffer plantings shall be in accordance with Buffer Planting D of the SALDO.
- G. Any processing of solid waste including, but not limited to, incineration, composting, shredding, compaction, material separation, recycling, refuse-derived fuel and pyrolysis shall be conducted within a wholly enclosed building.
- H. Any area used for the unloading, transfer, storage, processing, incineration or deposition of solid waste must be completely screened from ground-level view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an eight (8') foot high fence, with no openings greater than two (2) inches in any direction.
- I. Hazardous waste as described by the PA-DEP shall not be disposed of within the proposed facility.
- J. The unloading, processing, transfer and deposition of solid waste shall be continuously supervised by a qualified facility operator.
- K. Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water.
- L. All storage of solid waste for incinerators shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the incinerator in constant operation; but, in no event shall solid waste be stored for more than seventy-two (72) hours.
- M. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
- N. The applicant shall submit documentation that a public water provider will supply the amount of water needed.
- O. A groundwater quality test study in conformance with current PA-DEP standards shall be provided to the Township.

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- P. No Certificate of Use shall be issued for a facility until the operator has submitted to the Zoning Officer proof that the facility complies with the regulations of the PA-DEP and has been permitted in writing by said agency.
- Q. The operator shall provide the Township with copies of any notice of violation received from the PA-DEP or EPA within two (2) weeks from the date such notice was received by the operator. A suspension or revocation of the permit shall be an automatic suspension or revocation of all Township permits and/or approvals.

### **SECTION 265-673. STRIP CENTER**

Strip Centers are permitted by right in the CO, CS and CI Districts, subject to the following:

- A. Minimum Net Lot Area shall be one (1) acre minimum. The area of any outparcel shall be in addition to the one (1) acre minimum and shall meet the requirements of the District.
- B. Lot width shall be 100 feet minimum.
- C. All access drives shall be set back a minimum 100 feet from the intersection of any street rights-of-way, unless aligned with an existing street intersection.
- D. All outparcels shall have ingress and egress via internal access drives. Cross easements for access and parking shall be required.
- E. No individual establishment shall exceed 10,000 square feet in gross floor area.

### **SECTION 265-674. TRANSPORTATION PASSENGER TERMINAL**

Transportation Passenger Terminals are permitted in the CS, CI and I Districts, subject to the following:

- A. All service and/or repair activities shall be conducted within a completely enclosed building.
- B. The outdoor storage of inoperable machinery or vehicles waiting for repair must be in a fenced and screened area. Fencing shall be a minimum of eight (8) feet in height.
- C. Flammable or explosive liquids, solids or gases stored in bulk shall demonstrate compliance with all applicable regulations of the United States Environmental Protection Agency; the Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshal Division, including notification and registration requirements.

### **SECTION 265-675. TRUCK AND/OR MOTOR FREIGHT TERMINAL**

Truck and/or Motor Freight Terminals are permitted by right in the I District, subject to the following:

- A. Primary access shall be via an arterial or collector road.
- B. All service and/or repair activities shall be conducted within a completely enclosed building.
- C. The outdoor storage of inoperable machinery or vehicles waiting for repair must be in a fenced and screened area. Fencing shall be a minimum of eight (8) feet in height.

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- D. Flammable or explosive liquids, solids or gases stored in bulk shall demonstrate compliance with all applicable regulations of the United States Environmental Protection Agency; the Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshal Division, including notification and registration requirements.
- E. No door openings for any loading areas shall be constructed facing any adjacent residential use.
- F. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
- G. Control measures shall be provided to mitigate adverse impact with noise, fumes, and dust.

### **SECTION 265-676. VEHICLE SALES, REPAIR, SERVICE AND/OR INSPECTION FACILITY**

Vehicle Sales, Repair Service and/or Inspection Facilities are permitted by right in the CI and I Districts, and are permitted by special exception in the CS Districts, subject to the following:

- A. All service, maintenance and/or repair activities shall be conducted within a completely enclosed building. All equipment shall be completely enclosed within the building.
- B. Where fuel dispensing islands are included, pumps and any accessory canopy structure(s) must meet the requirements of Section 265-633 Fuel Dispensing Station.
- C. Outdoor vending machines shall be located adjacent to the building.
- D. Outdoor trash and recycling receptacles shall be provided at each public entrance/exit.
- E. Access drives must conform to the SALDO.
- F. All wrecked vehicles, vehicle parts, dismantled vehicles and similar objects shall be stored out of sight within a building or an area enclosed by a wall or opaque fence. Said area shall be to the rear of the principal building, must observe all yard requirements, and shall be screened in accordance with the SALDO. The maximum limit for outdoor storage of any inoperable vehicle shall be sixty (60) days.
- G. No materials may be stored so as to create a fire hazard.
- H. A Vehicle Sales, Repair, Service and/or Inspection Facility located in the CS District shall not store or repair vehicles having three or more axles.
- I. Areas for vehicle parking, display and/or storage shall be paved in accordance with the SALDO, and shall not be permitted within any setback areas.

**ARTICLE 7**  
**SIGNS**

**SECTION 265-701. PURPOSE**

It is the intent of this section to provide specific controls and regulations for the design, construction, installation and maintenance of signage. These sign regulations shall minimize the distraction and obstruction of view to promote pedestrian and traffic safety, minimize the adverse effects of signage on nearby properties, to provide an effective guide for communicating identification through signage, and to enable fair and consistent enforcement.

**SECTION 265-702. SIGN PERMITS**

Signs shall be erected, placed, established, created, altered or maintained only in conformance with the requirements of this section and any and all other ordinances and regulations relating to signs and similar devices. Sign permits shall be required for the erection, placement, moving, establishment, creation or alteration of all signs unless otherwise indicated in this section in accordance with the following:

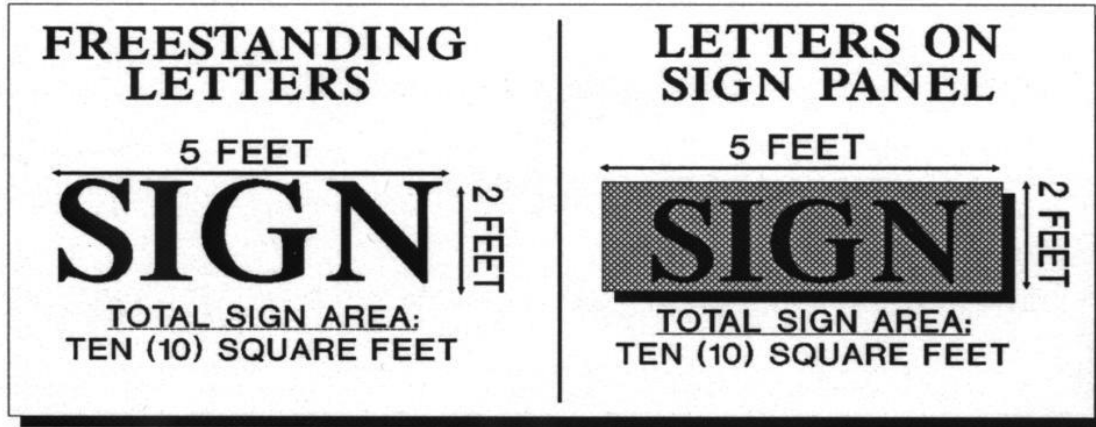
- A. Applications for permits shall be made to the Zoning Officer.
- B. The erection, placement, moving, establishment, creation or alteration of any permanent sign is prohibited until a permit for such work has been issued.
- C. The application for a permit shall include a dimensioned sketch or scale plan indicating the shape, size, height and location of all signs to be erected, altered or moved; supply evidence that the proposed sign will not create a sight obstruction; and supply such other information as may be required by the Zoning Officer for determining whether the provisions of this section are being met.
- D. The Commissioners shall set fees by resolution for sign permits, including required bonds to be posted, as deemed necessary.

**SECTION 265-703. COMPUTATIONS**

The following regulations shall control the calculation of total sign area and sign height:

- A. Individual sign area shall be measured on the smallest square, triangle, rectangle, circle or other regular geometric shape, and/or combination thereof, that encompasses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting bracing or decorative fence or wall when such fence or wall otherwise meets regulations of this section and is clearly incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest regular geometric shape, or combination of shapes, that encompasses all of the letters and symbols.

Figure 7.A

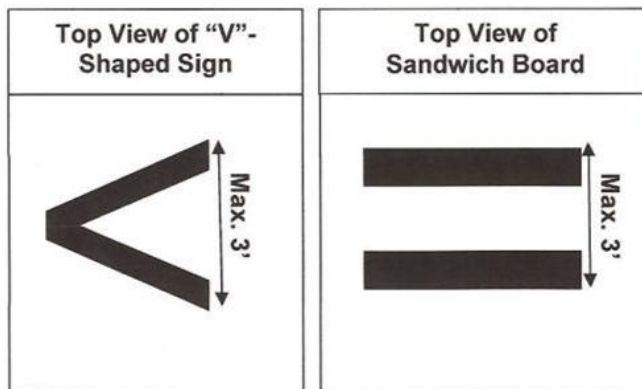


B. In

computing sign area of a double-faced sign, only one side shall be considered, provided that:

1. Both faces are identical.
2. The two faces of the sign are at no point greater than three feet from one another.

Figure 7.B



- C. The height of a sign shall be computed as the distance from the base of the sign at finish grade to the top of the highest attached component of the sign. "Finish grade" shall be construed to be the grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating and/or supporting the sign.

**SECTION 265-704. DESIGN, CONSTRUCTION AND MAINTENANCE**

All signs shall be designed, constructed and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of any building and electrical codes as adopted by the Township.



- B. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. No signs shall be painted on, attached to or supported by a street sign or street light standard, stone, cliff or other natural object.
- C. Signs must be constructed of durable material and maintained in good condition.
- D. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.
- E. Advertising displayed upon a barn or other building or structure shall be regarded as a "flat wall sign" and the regulations pertaining thereto shall apply.
- F. Signs may be interior lighted with non-glaring lights or may be illuminated by lights shielded to prevent direct light transmission to other properties or public rights-of-way. Such lighting must comply with Section 265-520. Any lighted sign that becomes damaged so as to cause an electrical hazard shall be turned off and electrically isolated until timely repairs are made.
- G. Except in the case of billboards, all signs must relate to a use that is located and/or conducted within York Township. Except as noted below, signs placed upon public property or public rights-of-way shall be forfeited and subject to removal. The following signs shall only be erected with the permission of the Township.
  - 1. Permanent signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
  - 2. Bus stop signs, bus route signs and other such signs erected by a public transit company.
  - 3. Information signs of a public utility regarding its poles, lines, pipes or facilities.
  - 4. Temporary signs erected by or on behalf of a governmental body to post legal notices, convey public information and direct or regulate pedestrian or vehicular traffic.
  - 5. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

#### **SECTION 265-705. PROHIBITED SIGNS**

It shall be unlawful to erect or place any sign in the Township unless it is specifically permitted in this Chapter. Unlawful signs include but are not limited to: No signs (except warning lights related to emergency services, clocks, hanging signs that swing in normal air currents, time and temperature signs, otherwise permitted animated signs and barber poles) shall incorporate in any manner:

- A. Any sign of a color or shape that conflicts with or resembles a traffic sign or signal device.
- B. Any flashing or moving illumination or illumination which varies in intensity or color, except as meets the standards of Section 265-707.

- C. Searchlights, pennants, spinners, tinsel, banners and streamers, inflatable balloons and similar devices except for occasions in accordance with the requirements for Special Sales Signs as identified in the Temporary Sign Requirements chart.
- D. Signs which are illuminated in the colors red, green, yellow or amber, either by colored bulbs, LEDs, tubing, etc. or are high reflective surfaces such as fluorescent paint or glass, shall not be located within 300 feet of a traffic light or similar safety device.
- E. No sign, by reason of size, location, content, coloring or manner or intensity of illumination, shall distract or obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
- F. Any vehicle or trailer with a sign or signs attached thereto placed or painted thereon, visible from any public right-of-way, shall be prohibited, except any vehicle or trailer which is actively engaged in making deliveries, pickups or otherwise actively in use and the sign face does not protrude in excess of one inch from the vehicle.

**SECTION 265-706. REMOVAL OF SIGNS**

- A. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the landowner that such sign be made safe or removed within five (5) days, unless the public safety and welfare require a shorter notice. Should the sign remain after said written notice, the Zoning Officer may proceed with enforcement, and may have such sign(s) removed at the expense of the landowner.
- B. Each sign shall be removed when the circumstances leading to its erection no longer apply. Any sign which advertises business, service or other goods or activities no longer in existence shall be removed within sixty (60) days of the termination of or change in use of the business or service. Should the sign remain after said sixty (60) day time period, the Zoning Officer shall notify the landowner in writing, that the subject sign(s) must be removed within thirty (30) days after receipt of said notice. If such sign(s) remain after the said thirty (30) day period, the Zoning Officer may proceed with enforcement, and may have such sign(s) removed at the expense of the landowner.
- C. In addition to enforcement, the Township shall have the right to recover from the owner or person placing any prohibited sign, the full costs of removal and storage/disposal of such sign.

**SECTION 265-707.ELECTRONIC SIGN**

- A. Messages on any electronic sign shall remain static as follows:

**Table 7.A - Display Cycles**

<b>Required Minimum Message Display Cycles (seconds)</b>		
<b>Speed Limit (mph)</b>	<b>Total Sign Area less than 65 square feet</b>	<b>Total Sign Area 65 square feet or greater</b>
<b>25</b>	16 sec	32 sec
<b>30</b>	15 sec	30 sec
<b>35</b>	14 sec	28 sec
<b>40</b>	13 sec	26 sec
<b>45</b>	12 sec	24 sec
<b>50</b>	11 sec	22 sec
<b>55+</b>	10 sec	20 sec

- B. The display shall change from one (1) complete message to the next complete message within one (1) second.
- C. Messages shall not visually dissolve or fade, in which any part of one electronic message/display appears simultaneously with any part of a second electronic message/display.
- D. Flashes, bursts of light, streaming, zooming or animated effects are prohibited on electronic signs with multicolor displays. Electronic signs with a monochromatic display are permitted to have animated effects.
- E. All electronic signs shall have ambient light monitors which automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- F. Electronic signs shall not be located within 300 feet of a residential use if the sign area is greater than sixty-five (65) sq. ft.
- G. Electronic signs may include community service messages, i.e., time and temperature, school closings, non-profit announcements, weather alerts, etc.
- H. Except for billboards, an electronic sign shall not advertise for any off-site business.

**SECTION 265-708. NON-CONFORMING SIGNS**

- A. Any sign which has been nonconforming or becomes nonconforming as a result of the enactment or amendment of Article 7 may be continued in accordance with the following requirements:
  1. Repairs may be made to a nonconforming sign.
  2. A nonconforming sign may not be altered or reconstructed if destroyed or damaged by fire, explosion, windstorm, lightning or similar causes to an extent exceeding 50% of its market value.
  3. A nonconforming sign which is destroyed less than 50% of its market value may be reconstructed and used for the same purposes, provided that the reconstruction of the sign is completed within 120 days from the date of the destruction or damaging of the sign.

- B. New signs or changes to existing signs for businesses existing as nonconforming uses may be permitted as a special exception by the Zoning Hearing Board under the listed regulations, and the Zoning Hearing Board may attach certain conditions to its approval which it feels are necessary in order to preserve the character of the District in which the proposed sign would be located.

**SECTION 265-709. BILLBOARDS**

Within the C-I and I Districts, billboards may be permitted by special exception (except bus shelters), subject to the following criteria:

- A. No billboard shall be located within 1,000 feet of another billboard.
- B. All billboards shall be a minimum of 50 feet from all side and rear property lines.
- C. All billboards shall be set back at least 35 feet from any street right-of-way lines.
- D. All billboards shall be set back at least 100 feet from any land within a RA, RL, RM and RH District and/or existing residence.
- E. No billboard shall obstruct the view of motorists on adjoining roads or the view of adjoining commercial or industrial uses which depend upon visibility for identification.
- F. No billboard shall exceed an overall size of 300 square feet nor exceed 25 feet in height.
- G. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or rodent habitation.
- H. Bus shelters displaying billboard type advertising are permitted in the C-S, C-I and I Districts subject to the following:
  - 1. Advertisement area shall be limited to one (1) side panel of a shelter. One (1) side panel and the rear panel of shelter shall remain clear of visual obstructions.
  - 2. Maximum advertisement area shall be 40 s.f. and no more than two (2) advertisements are permitted per shelter.
  - 3. Exterior lighting of advertisement area is prohibited.

**SECTION 265-710. CAMPUS SIGNS**

- A. Campus signage requirements shall apply to commercial use properties containing a Gross Lot Area of fifty (50) acres or more under single or condominium ownership. Campus signage shall comply with the regulations contained in Article 7, with the following additional regulations:
  - 1) The total area for all permitted signs (freestanding, on-site directional, wall, canopy, awning, marquee, window) on a campus shall not exceed 10 sq. ft. per acre based upon the Gross Lot Area of the campus tract.
  - 2) Freestanding signage shall comply with the following:
    - a. Campuses are permitted to have one (1) freestanding sign per road frontage.

- b. Size and height requirements shall be in accordance with Table 7.B for signs identifying individual businesses.
- 3) On-site directional signage shall comply with the following:
  - a. Maximum sign area shall be twenty (20) sq. ft. and no more than twenty-five (25) percent of the sign area shall be devoted to commercial advertisement.
  - b. Signs shall be no higher than ten (10) feet as measured from the grade directly below the sign.
  - c. On-site directional signage shall be permitted along public rights-of-way at entrances into the campus given that the on-site directional signage is not closer than 300 feet to one another or any other freestanding signs owned by the same entity.
  - d. Signage shall be similar in style and color and any commercial advertisement shall be the same on each sign.
  - e. Signage must be at least 200 feet from the edge of any public right-of-way adjacent to the property.
  - f. The content shall be limited to the businesses and/or related entities on the premises and must include direction or distance information.
- 4) Wall, canopy, awning and marquee signs shall comply with the following:
  - a. Size and height requirements shall be in accordance with Table 7.B for signs identifying individual businesses.
  - b. No such sign shall extend above the top of the wall or extend laterally beyond the extremities of the wall upon which it is placed.
  - c. No such sign shall project more than twelve (12) inches from the wall upon which it is mounted.
- B. A master plan for all campus signage shall be submitted with an application for building permit and contain the following:
  - 1) A map illustrating the locations of all signs including parcel and right-of-way boundaries.
  - 2) A sketch of each sign including dimensions, square footage, height, type of sign (i.e. freestanding or wall sign) and type of construction.
- C. Business directory signs attached to buildings at pedestrian entrances shall not be included in the calculation for allowable square footage of campus signage.
- D. Address identification on buildings shall not be included in the calculation for allowable square footage of campus signage.

**SECTION 265-711. SPECIFIC SIGN REQUIREMENTS**

- A. Freestanding signs shall have a setback from any street right-of-way and/or property line equal to or greater than the height of the sign, except freestanding signs located along the Interstate which shall be setback from the right-of-way in accordance with PennDOT standards.

- B. Signs displayed beyond the permitted time period may be impounded by the Township. The Township may charge an impoundment fee for the collection, storage and/or disposal of the signs.
- C. The following tables present specific standards imposed on signs:

**Table 7.B - Permanent Sign Requirements**

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height for Freestanding Signs	Maximum Height of Flat Wall, Flat Roof and Projecting Signs	Maximum Projection from Wall or Roof for Projecting Signs	Permitted Districts	Other Requirements	Permit Required
<b>Signs and signals owned and operated by the Township or a government agency</b>	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
<b>Signs identifying public and semipublic uses (e.g. schools, houses of worship, utilities, hospitals, libraries, fire stations, and other similar uses)</b>	1 per lot frontage, not to exceed 2 per principal use	40 sq. ft. per sign	20 feet	Height of wall/roof	5 feet	All		Yes
<b>Property control signs (e.g. 'No Trespassing', 'Private Property', similar type signs)</b>	1 per 25 lineal feet of property line	2 sq. ft. per sign	5 feet	Height of wall/roof	1 foot	All	Spacing at no less than 25 foot intervals. Signs may only have reflective lighting. See also 265-704	No
<b>Residential Development/neighborhood signs which list the name of the neighborhood/development and shall not list any names of contractors and/or realtors</b>	1 per street entrance, but no more than 2 total	1 sq. ft. per dwelling unit, not to exceed 32 sq. ft. per sign	20 feet	Height of wall/roof	5 feet	RA, RL, RM, RH, MRC	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor	Yes
<b>Individual business signs identifying the name and type of business, any trademark of the business or any combination thereof.</b>	2 per principal use. If the lot frontage exceeds 1,000 feet, 1 additional sign is permitted	1 sq. ft. per 2 lineal feet of lot frontage, not to exceed 100 sq. ft., except in the MRC & CO Districts where not to exceed 32 sq. ft. per sign	20 feet	Height of wall/roof	5 feet	MRC, CO, CS, CI, I	No flat wall sign nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached	Yes
<b>Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises or any combination thereof (e.g. home occupation, auction houses, day care homes, bed-and-breakfasts, etc.)</b>	1 per lot	10 sq. ft. except that home occupation signs shall not exceed 1 sq. ft.	6 feet	Height of wall/roof	2 feet	RA, RL, RM, RH	Signs may only have reflective lighting that must be shielded from adjoining roads and properties	Yes

**Table 7.B - Permanent Sign Requirements (Continued)**

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height for Freestanding Signs	Maximum Height of Flat Wall, Flat Roof and Projecting Signs	Maximum Projection from Wall or Roof for Projecting Signs	Permitted Districts	Other Requirements	Permit Required
<b>On-site directional signs, (e.g. entrance, exit, open/closed, office, etc.)</b>	4 per lot frontage	2 sq. ft. per sign in RA, RL, RM, RH and MRC Districts, 5 sq. ft. per sign in CO, CS, CI and I District	10 feet	Height of wall/roof	2 feet	All	Such signs may bear a business name or logo if they do not encompass more than 50% of the total sign area	No
<b>Interchange business signs identifying the name and type of business conducted on the premises, or any combination thereof, where such business directly abuts an interchange of Route I-83</b>	1 per use or lot, whichever is less	200 sq. ft.	80 feet	Not Permitted	Not Permitted	All	Sign may only be interior lighted. Prior to issuance of a permit, the applicant must demonstrate that applicable approvals have obtained from the PennDOT. When an interchange sign is used, it replaces one of the individual business signs otherwise permitted	Yes
<b>Roadside Market Signs</b>	2 per use; only 1 freestanding sign shall be permitted	32 sq. ft. per sign	10 feet	Height of wall/roof	5 feet	All	Signs may only have reflective lighting that must be shielded from adjoining roads and properties	Yes
<b>Off premises signs indicating the direction of travel to a public or semi-public use, which is not located on the premises of such use</b>	2 per use	2 sq. ft. per sign	10 feet	Height of wall/roof	5 feet	All	Off premises signs may only be located upon private property with the written permission of the landowner,	Yes
<b>Billboards</b>	See Section 265-709							Yes



**Table 7.C – Temporary Sign Requirements**

Permitted Sign Types	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Permitted Districts	Permitted Time Frame
<b>Signs identifying businesses engaged in construction/development of the premises</b>	1 per business	6 sq. ft. for single residential lots - 24 sq. ft. for a development or non-residential use	6 feet for residential, 10 feet for non-resid.	All	Only while the contractor is working regularly on the site
<b>Real estate signs for residential properties</b>	2 on-site	6 sq. ft. per sign	6 feet	All	During periods when unit is for sale or rent through 5 days after final sale or rental
<b>Open house signs</b>	on-site – 1 per frontage off-site - no more than 1 per intersection	4 sq. ft. per sign	3 feet	All	No more than 2 days prior to and 1 day after the open house
<b>On-site public sale/auction signs</b>	2 on-site	10 sq. ft. per sign	6 feet	All	No more than 14 days prior to and 1 day after sale/auction
<b>Real estate signs for non-residential properties</b>	2 on-site	32 sq. ft. per sign	10 feet	All	During periods when unit is for sale or rent through 5 days after final sale or rental
<b>Special event signs for non-residential properties</b>	1 per use per event	32 sq. ft.	10 feet	All	21 days prior to, and 7 days after the event. Such signs may only be used during 2 consecutive periods per calendar year, not to exceed 30 days total
<b>Special signs for businesses. The use of pennants, banners, streamers, inflatables, and other similar devices is permitted. Searchlights are limited to the CS, CI and I Districts between 5 pm and 11 pm</b>	1 per business per event	32 sq. ft.	10 feet	MRC, CO, CS, CI, I	Such signs may only be displayed for up to 30 days, 4 times per calendar year
<b>Proposed residential development signs (permit required)</b>	2 on-site	1 sq. ft. per unit not to exceed 32 sq. ft. per sign	10 feet	RL, RM, RH, RA, MRC	Between final development approval and completion of final unit
<b>Proposed non-residential development signs (permit required)</b>	2 on-site	1 sq. ft. per 1,000 sq. ft. of gross floor area, not to exceed 64 sq. ft. per sign	10 feet	All	Between final land development approval and completion of construction
<b>Political/election signs with written permission of landowner</b>	Unlimited	6 sq. ft. per sign	6 feet	All	30 days prior to and 7 days after an election
<b>On-site garage/yard sale signs</b>	2 per sale	6 sq. ft. per sign	6 feet	All	2 days prior to and during the sale.

**Table 7.C – Temporary Sign Requirements (Continued)**

Permitted Sign Types	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Permitted Districts	Permitted Time Frame
<b>Off-site garage/yard sale signs with written permission of landowner</b>	2 per sale, 1 per property	1 sq. ft. per sign	6 feet	All	Only the day of the sale.
<b>On-site Seasonal Roadside Stand signs</b>	2 per stand	6 sq. ft. per sign	6 feet	All	Only during seasons when the roadside stand/market is in operation
<b>Off-site Seasonal Roadside Stand &amp; Roadside Market signs w/written permission of landowner</b>	2 per stand/market and 1 per property	6 sq. ft. per sign	6 feet	All	Only during seasons when the roadside stand/market is in operation

**Table 7.D - Shopping Center - Shopping Mall – Strip Center Sign Requirements**

Permitted Sign Types	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Permit Required
<b>Freestanding shopping center sign</b>	1 per lot frontage with entrance or exit	1 sq. ft. for each 4 lineal feet of frontage within the shopping center, with a maximum of 100 sq. ft.	20 feet	This sign shall devote no less than 20% of the total sign area (per side) to the advertisement of the shopping center name	Yes
<b>Anchor tenant sign for one use containing more than 150 lineal feet of storefront</b>	1 per side facing a street with a maximum of 2 signs	If sign is less than 300 feet from facing street, the sign can be up to a maximum of 100 sq. ft. If sign is more than 300 feet from facing street then sign can be up to a maximum of 150 sq. ft.	Height of wall to which sign is attached	These signs shall only be provided as flat wall, wall projecting, flat roof, or roof projecting signs	Yes
<b>Storefront sign for one use containing up to 150 lineal feet of storefront, including multi-tenant Outparcels</b>	1 per principal use	2 sq. ft. per lineal foot of storefront up to a maximum of 75 sq. ft.	Height of wall to which sign is attached	This sign shall only be provided as a flat wall or a wall projecting sign	Yes
<b>Storefront under canopy signs for all principal uses</b>	1 per use with less than 150 lineal feet of storefront, 2 per use with more than 150 lineal feet of storefront	4 sq. ft. per sign	To base of canopy	No under canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of a under-canopy sign shall be no less than 8 feet, 6inches above the finish grade below such sign	Yes
<b>Outparcel signs for one single principal freestanding use sharing common ingress and egress to shopping center</b>	2 per principal use, but only 1 per wall or road frontage	75 sq. ft. per sign, not exceeding 20% of wall area to which sign is attached; no freestanding sign shall exceed 40 sq. ft.	Height of wall to which sign is attached, or 12 feet for freestanding signs		Yes

**ARTICLE 8**  
**OFF-STREET PARKING, LOADING AND UNLOADING**

**SECTION 265-801. PURPOSE**

It is the intent of this section to provide specific controls and regulations for off street parking and loading/unloading facilities to lessen congestion, enhance safety, and decrease the parking burden on and within the public rights-of-way. The facilities required herein shall be available for the residents, occupants, patrons, and/or employees of the particular use for which such facilities are provided.

**SECTION 265-802. OFF-STREET PARKING GENERAL REQUIREMENTS**

Off-street parking spaces, whether open or enclosed, shall be required for any use as provided in the following sections:

- A. Location of parking areas
  1. Enclosed off-street parking spaces, including public and private garages, shall conform to the applicable setback requirements of this Ordinance.
  2. Unenclosed parking spaces and/or parking lots shall conform to the requirements of the SALDO.
  3. Parking spaces shall conform to the regulations of the district in which the parking spaces are located.
  4. All off-street parking required by this Ordinance shall be on the same lot as the use. However, if the parking spaces required cannot be provided on the same lot on which the use is conducted, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another lot. Such off site spaces shall not thereafter be reduced or encroached upon in any manner. The same off site space may not be credited to more than one (1) user.
  5. Off-site parking spaces shall be located within walking distance of the use which they serve: 100 feet in the case of a commercial use, 200 feet in the case of a residential or institutional use and 300 feet in the case of an industrial use.
  6. Off-site parking spaces shall not be located in any district unless the use to which the spaces are accessory is permitted.
- B. Areas other than parking lots which may be computed as off-street parking spaces include any private garage, carport or area of driveway located outside the street right-of-way.
- C. Minimum parking space shall be ten (10) feet wide, and eighteen (18) feet in length. In parking lots of ten (10) or more spaces, compact vehicle spaces may be provided as twenty (20) percent of the total required spaces. Such spaces shall be a minimum eight (8) feet wide and seventeen (17) feet long, and appropriate signage shall be provided. Compact vehicle spaces shall not be permitted as parallel parking.
- D. Parking lots designed for ten (10) or more spaces shall meet the dimensional, landscaping, screening and buffer requirements of the SALDO.

- E. Unobstructed access to and from a street shall be provided in accordance with the requirements of the SALDO.
- F. All open parking areas shall be properly drained and paved in accordance with the requirements of the SALDO and the Stormwater Management Ordinance.
- G. Parking spaces on lots divided by zoning district boundaries may be located without regard to district lines, provided that no such parking spaces shall be located in any residential district, unless the use to which they are accessory is permitted in such district.

### **SECTION 265-803. ACCESS DRIVES AND DRIVEWAYS**

Access drives and driveways shall be located and constructed in accordance with the requirements of the SALDO.

### **SECTION 265-804. ILLUMINATION**

Any exterior illumination must comply with Section 265-520.B of this Ordinance.

### **SECTION 265-805. DRAINAGE**

Drainage facilities shall be located and constructed in accordance with the requirements of the York Township SALDO and the Stormwater Management Ordinance.

### **SECTION 265-806. OFF STREET PARKING SPECIFIC REQUIREMENTS**

The minimum number of off-street parking spaces required by each use shall be determined in accordance with the following provisions. When the number of required parking spaces results in a fraction, any portion up to and including 0.50 shall be disregarded, and those over 0.50 shall equal one (1) space.

- A. Parking requirements for residential uses:
  - 1. Single-Family Detached, Single-Family Semidetached, and Two-Family Detached: 2 spaces per dwelling unit.
  - 2. Accessory Unit, Single Bedroom: 1 space/unit
  - 3. Single-Family Attached (townhomes on individual lots): 2 spaces per unit.
    - a. In addition, designated parking for visitors shall be provided and shall be not less than 20% of the number of off-street parking spaces required for the dwelling units and shall be interspersed throughout the development.
    - b. When allowed in the development, spaces for the storage of residents' boats, trailers, etc. shall be provided in addition to the required number of spaces above.
  - 4. Multi-Family (townhouses, apartments and/or condominiums on a single lot)
    - a. Efficiency units: 1 space/unit.
    - b. One-bedroom units: 1.5 spaces/unit.
    - c. Two or three-bedroom units: 2 spaces/unit.

- d. Four or more bedroom units: 2.5 spaces/unit.
  - e. In addition, designated parking for visitors shall be provided and shall be not less than 20% of the number of off-street parking spaces required for the dwelling units and shall be interspersed throughout the development.
  - f. When allowed in the development, spaces for the storage of residents' boats, trailers, etc. shall be provided in addition to the required number of spaces above.
  - g. A garage accessory to an apartment house shall provide only for the storage of vehicles of the owner, tenants and employees.
  - h. Apartments in combination with permitted commercial uses shall provide parking spaces as required if both uses were established separately.
5. Manufactured/Mobile Home Park: 2 spaces per mobile home.
- a. In addition, designated parking for visitors shall be provided and shall be not less than 20% of the number of off-street parking spaces required for the dwelling units and shall be interspersed throughout the development.
  - b. When allowed in the development, spaces for the storage of residents' boats, trailers, etc. shall be provided in addition to the required number of spaces above.
6. Age Restricted Community: 1.5 spaces/dwelling unit.
7. Accessory Farm Dwelling: 2 spaces.
- B. Parking requirements for commercial uses.
- 1. Airport/Heliport: 1 space/employee plus 1 space/hangar space.
  - 2. Auction House/Outdoor Auction/Flea Market: 1 space/500 s.f. sales/display area plus 1 space/employee.
  - 3. Banks and Similar Financial Institutions: 3.5 spaces/1,000 s.f. gross floor area. Drive through stacking lanes shall not be counted as required parking.
  - 4. Bar: 1 space/4 customer seats, plus 1 space/full-time employee.
  - 5. Bed-and-Breakfast: In addition to the two (2) spaces required for the principal dwelling, there shall be one (1) off-street parking space per bed-and-breakfast bedroom unit, plus one (1) space per employee.
  - 6. Betting Establishment: 3 spaces/100 s.f. of all gross floor areas of all public areas, including but not limited to related dining, restaurant, bar and snack bar areas, plus 1 space/employee of the largest shift.
  - 7. Coffee or Tea Shop: 1 space/4 customer seats.
  - 8. Commercial Greenhouse, Nursery and/or Garden Center: 1 space/500 s.f. sales/display area plus 1 space/employee.
  - 9. Commercial Kennel and Animal Hospital with Accessory Kennel Facility: 1 space/employee, plus 4 spaces/1,000 s.f. gross floor area.

10. Commercial Stable/Riding Stable: 1 space per horse stall plus 1 space/employee.
11. Convenience Store (with or without fuel dispensing): 1 space/200 s.f. gross floor area, plus 1 space/employee of the largest shift.
12. Crematorium/ Funeral Home: 1 space/3 seats for public use or 14spaces/1,000 s.f. gross floor area (whichever is greater) plus 1 space/employee and 1 space/mobile equipment (i.e. hearse, van, limousine etc.).
13. Day Care Center, Child or Adult: 1 space/employee, plus 1 space/10 children.
14. Day Care, In Home: 1 space plus the required 2 for the dwelling unit.
15. Farm Market/Farm Co-op: 1 space/500 s.f. sales/display area plus 1 space/employee.
16. Farm Occupations: In addition to the required parking for the dwelling unit, one (1) space shall be provided for each employee and at least two (2) additional spaces are required if customers will be visiting the business.
17. Fuel Dispensing Station: 1 space/employee.
18. Golf Course/Facility:8 spaces/tee, plus 1 space/employee of the largest shift, plus 100% of the spaces normally required for accessory uses.
19. Heavy Equipment Sales, rental, service and/or repair facility: 1 space/300 s.f. of floor area devoted to sales/rental and 1 space/2 service bays, plus 1 space/employee. Required parking is in addition to equipment stock storage.
20. Hotel/Motel:1 space/guest room plus 6 spaces/1,000 s.f. convention/banquet facility. Parking for a restaurant in the hotel/motel shall be as required below.
21. Hunting/Fishing Preserve: 25 spaces minimum.
22. Landscape Business/Landscape Yard: 1 space/1,000 s.f. sales/display area plus 1 space/employee.
23. Lawn and Garden Sales and Service: 1 space/1,000 s.f. sales/display area plus 1 space/employee.
24. Laundromat/Laundry/Dry Cleaning Service:
  - a. Dry Cleaning Service or Laundry (drop off): 1 space/500 s.f.
  - b. Self-Service Laundromat: 1 space/1.5 washing machines.
25. Medical Center or Medical Office: 4 spaces/practitioner, plus 1 space/employee.
26. Medical Research Facility: 1 space/500 s.f. gross floor area.
27. Office - Professional, Business: 3 spaces/1,000 s.f. gross floor area.
28. Outdoor Racetrack: 1 space/4 seats of spectator seating, or 8 spaces/acre, whichever is greater.
29. Personal Services:

- a. Salons, barbershops, spas and similar establishments: 2 parking spaces for each chair to be utilized in the business.
- b. All other personal service uses: 1 space/200 s.f. gross floor area, plus 1 space/employee.
30. Radio/Television Transmitting Facility: 3 spaces/1,000 s.f. gross floor area.
31. Recreation Facility (Indoor): 1 space/200 s.f. gross floor area, except as follows:
  - a. Bowling alleys: 5 spaces/bowling lane.
  - b. Sports facilities shall be based upon the maximum number of participants which could occupy every field and/or court available at one time, and multiplied by 1.5 for venue turnover.
32. Recreation Facility (Outdoor): 8 spaces/acre of area or fraction thereof, except as follows:
  - a. Golf driving range: at least one parking space/tee, plus one space per employee.
  - b. Miniature golf course: at least two parking spaces per hole, plus one space per employee.
  - c. Swimming Pool: 1 space/2 persons based upon the designed capacity of the pool.
  - d. Sports facilities shall be based upon the maximum number of participants which could occupy every field and/or court available at one time, and multiplied by 1.5 for venue turnover.
33. Rehabilitation/Therapy Facility: 4 spaces/practitioner, 1 space/employee plus 2 spaces/bed.
34. Retail Store: 1 space/200 s.f. gross floor area (excluding storage areas).
35. Restaurant: 1 space/4 customer seats, plus 1 space/employee of the largest shift.
36. Restaurant, Fast Food: 1 space/4 customer seats, plus 1 space/employee the largest shift
37. Restaurants, Take Out: 1 space/100 s.f. gross floor area.
38. Roadside Market: 1 space/200 s.f. gross floor area (excluding storage areas).
39. Rooming House: 1 space/bedroom and/or suite, plus 1 space/employee living off-site.
40. Seasonal Roadside Stand: 3 spaces.
41. Self-Service Storage Facility: 1 space/50 units plus 2 spaces for on-site manager with a minimum 5 spaces regardless of number of units. 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 at 1 space/25 units plus two for on-site manager with a minimum of 5 spaces regardless of number of units.



42. Shooting Range: 1 space/shooting station or target aisle
  43. Social/Fraternal Clubs or Organizations: 1 space/100 s.f. gross floor area.
  44. Shopping Center/Shopping Mall: 4.5 spaces/1,000 s.f. gross floor area, or fraction thereof, except that convenience stores and restaurants (except fast food and take-out) shall be required to calculate required off-street parking spaces independent of the overall shopping center/mall.
  45. Strip Center: 4 spaces/1,000 s.f. gross floor area except that convenience stores and restaurants shall be required to calculate required off-street parking spaces independent of the overall strip center.
  46. Theater and Meeting Facility: 1 space/4 seats or 200 s.f. floor space provided for assembly, whichever is greater.
  47. Transportation Passenger Terminal: 1 space/4 seats for waiting passengers, plus 1 space/employee the largest shift
  48. Vehicle Sales, Repair, Service and/or Inspection Facility:
    - a. Vehicle Sales: 2 space/1,000 s.f. floor area devoted to sales, plus 1 space/full time employee. Required parking is in addition to vehicle stock storage and display spaces.
    - b. Vehicle Repairs or Service Facilities: 2 spaces/service bay, plus 1 space/employee.
  49. Veterinary Office: 4 spaces/practitioner, plus 1 space/employee.
  50. Winery: 1 space/200 s.f. sales area, plus 1 space/employee.
  51. All other commercial uses: 1 space/employee, plus such space as may be determined by the Township on a case-by-case basis.
- C. Parking requirements for industrial uses: 1.5 spaces/employee of the largest shift.
- D. Parking requirements for public, quasi-public and institutional uses.
1. Animal Shelter and/or Rescue: 1 space per employee, plus 4 spaces/1,000 s.f. gross floor area.
  2. Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility:
    - a. Assisted Living/Personal Care/Skilled Nursing Facility - 1 space/2 residents, 1 space/employee of the largest shift and 1 space/vehicle used in connection with the facility.
    - b. Senior Congregate Living Facility – 1 space/bedroom
  3. College/University: 1 space/3 students, 1 space/faculty or other employee, plus the total spaces required for on-site meeting facilities.
  4. Domiciliary Care Home: 1 space/2 residents in addition to the spaces required for the dwelling unit.

5. Group Facility: 1 space/2 residents, 1 space/employee of the largest shift and 1 space/vehicle used in connection with the facility.
  6. Hospital: 5 spaces/bed.
  7. House of Worship: 1 space/3 seats or 6 spaces/1,000 s.f. assembly area, whichever is greater.
  8. School, Elementary: 2.5 spaces/classroom, plus 1 space/5 seats in any auditorium or other place of public assembly and 1 bus loading space/100 students.
  9. School, Secondary and similar educational establishments: 1 space/3 students, plus 1 space/faculty or staff, or 1 space/5 seats in any auditorium or other indoor place of public assembly (whichever is greater).
  10. School, Commercial: 1 space/1.5 students.
  11. Museum or Similar Cultural Facility: 1space/4 seats or 3.5 spaces/1,000 s.f. floor space provided for public or private assembly, whichever is greater.
  12. Public/Semi-Public Buildings and Uses: 1space/4 seats or 3.5 spaces/1,000 s.f. floor space provided for public or private assembly, whichever is greater.
- E. For uses not provided for above, the Zoning Hearing Board, upon request and recommendation of the Zoning Officer, will establish parking area requirements by considering and comparing criteria for other and similar uses as specified in this Ordinance or by reviewing data gathered on existing similar uses.

#### **SECTION 265-807.HANDICAPPED PARKING**

- A. Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act (ADA), as may be amended from time to time.
- B. Spaces shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the building which the parking spaces serve.
- C. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.

#### **SECTION 265-808. ADJUSTED REQUIRED PARKING**

- A. For all non-residential uses, the initial number of parking spaces constructed may be reduced by up to twenty-five (25) percent, provided the following requirements are met:
  1. The Development Agreement shall include the proposed initial parking and other related requirements.
  2. Owner may add needed parking up to the maximum spaces as shown on the original parking layout at any time without further submission of land development. Notice to the Township shall be provided and, if necessary, an E&S plan filed and approved prior to the construction of additional parking spaces.
  3. Stormwater designs for the total required number of parking spaces and for the adjusted number of spaces shall be provided prior to plan approval. The area

designated for future parking shall be fully designed, including landscaping, as required by the SALDO.

4. If at any time the Township determines that the adjusted amount of parking is insufficient to meet the needs of the use, the Township shall direct the owner to construct additional parking up to the amount of that required in Section 265-806. Parking for a use shall be determined insufficient if patrons, employees, suppliers, or others entering the premises are parking on the street, on neighboring properties, or in areas that are not identified parking spaces as shown on the approved plan. This does not include parking in approved overflow areas or shared parking areas.
- B. All parking required by Section 265-806 shall be shown on the land development plan. Parking areas not proposed for immediate construction shall be designated as such. A note must be shown on the plan which shall bind all heirs, owners, successors in title, etc., indicating that upon three (3) months' notice the owner shall complete the full amount of parking as shown in the recorded layout of the land development plan.

### **SECTION 265-809. SHARED PARKING**

Two (2) or more uses may provide for parking in a common parking facility to allow the users to redesign parking lots to be more efficient in serving multiple users. The total number of required off-street parking spaces may be adjusted provided that all of the following requirements are met:

- A. The applicant shall submit a study that clearly demonstrates the feasibility of a shared parking facility. The study shall establish the overall peak parking demand, traffic loads and impacts for each of the uses, characteristics of each use (including tenant mix, type, size, allocation, days and hours of operation, peak parking demand per use, and total vehicle movements).
- B. The buildings or uses are on the same site or within 500 feet of the shared parking.
- C. The total number of required off-street parking spaces shall not be reduced by more than twenty-five (25) percent.
- D. A written agreement shall be executed between the record owners of all of the buildings or uses and all of the parking areas guaranteeing the availability of all parking areas for a minimum term of twenty (20) years, in a form acceptable to the Township Solicitor and suitable for recording.
- E. Should a subsequent change of use occur that would require additional parking spaces, such spaces shall be required prior to use and occupancy approval.

### **SECTION 265-810. OFF-STREET LOADING REQUIREMENTS**

- A. Off street loading requirements shall be in accordance with the following prior to occupancy of any building or use, so as to alleviate traffic congestion on streets. Accessory off-street loading spaces shall be provided for any use specified below.

**Table 8.A -Accessory Off-Street Loading Spaces**

Type of Use	Gross floor area (sq. ft.)	Number of Spaces
<b>Industrial, Manufacturing or Processing</b>	Up to 4,999	0
	5,000 - 25,000	1
	Each additional 50,000 or portion thereof	1
<b>New vehicle sales</b>	Any	1
<b>Retail uses</b>	Up to 2,499	0
	2,500-100,000	1
	Each additional 50,000 or portion thereof	1
<b>Convenience store</b>	Any	1
<b>Shopping Centers/Shopping Mall</b>	Up to 100,000	1
	Each additional 50,000 or portion thereof	1
<b>Restaurants</b>	Any	1
<b>Warehouse</b>	Up to 25,000	1
	Each additional 50,000 or portion thereof	1
<b>All other non-residential uses</b>	Greater than 10,000	1

**Table 8.B - Accessory Off-Street Loading Spaces**

Facility	Length	Width	Height (If Covered or Obstructed)
<b>Industrial, Manufacturing or Processing, Warehouse, New vehicle sales, Shopping Center/ Shopping Mall and Retail (over 50,000 sq. ft.)</b>	63 feet	12 feet	15 feet
<b>All other non-residential uses</b>	33 feet	12 feet	15 feet

- B. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. A truck turning template showing safe truck movement through the site shall be included with the land development plan. Said truck turning template shall utilize the largest delivery truck anticipated. Access may be combined with the access to a parking lot.

- C. All permitted or required loading spaces shall be on the same lot as the use to which they are accessory. The off-street loading space shall not be located on the face of a building adjoining a residential use or district. Required off-street parking space shall not be utilized for loading space.
- D. Permitted or required loading spaces, open or enclosed, may jointly serve two or more adjacent establishments on the same or adjacent lots, provided that a joint access agreement is provided.
- E. Loading spaces on lots divided by zoning district boundaries may not be located in any residential district, unless the use to which they are accessory is permitted in such district.

**ARTICLE 9**  
**NONCONFORMING USES AND BUILDINGS**

**SECTION 265-901. NONCONFORMING USES**

A. All lawful nonconforming uses existing on the effective date of this chapter and all uses that become nonconforming because of an amendment may be continued in accordance with the following requirements:

1. Expansion in RA, RL, RM, RH and MRC Districts:

Upon application for a special exception, the Zoning Hearing Board may approve a one-time expansion of a use of land or building which is not in conformance with the provisions of this chapter, provided that such a one-time expansion of use is restricted to an additional area not exceeding twenty-five (25) percent of those existing buildings, structures, parcels, lots or tracts of land currently and actively devoted to the nonconforming use and existing on the effective date of this Ordinance or any amendment thereto creating the nonconformity. The foregoing expansion shall be subject to the following conditions:

- a. The expansion shall conform to the height and setback requirements of the district in which it is located.
- b. The expansion of the building or use shall be provided with off-street parking, loading spaces and other improvements as required by Article 8.
- c. The expansion shall not replace a conforming use.
- d. Repairs and structural alterations, not constituting an expansion, may be made to a building occupied by a nonconforming use.

2. Expansion in CO, CS, CI and I Districts:

Upon application for a special exception, the Zoning Hearing Board may authorize an expansion of a use of land or building which is not in conformance with the provisions of this chapter. The foregoing expansion shall be subject to the following conditions:

- a. The expansion shall conform to the height and yard regulations of the district in which it is located.
- b. The expansion of the use of building or land shall be provided with off-street parking, loading spaces and other improvements as required by Article 8.
- c. The expansion shall not replace a conforming use.
- d. The use of land or building may be expanded to a distance no greater than 150 feet in any direction from the existing nonconforming use or to an area equal to no more than twenty-five (25) percent of the existing nonconforming use, whichever is lesser; or in the case of a building, the expansion shall be limited to an area equal to fifty (50) percent of the existing total usable floor area of the building.
- e. Repairs and structural alterations, not constituting an expansion, may be made to a building occupied by a nonconforming use.

- f. The provisions of this section shall not apply to residential uses existing in any nonresidential district at the date of adoption of this chapter. A residential use in existence at the time of adoption of this Chapter may be expanded in accordance with the regulations of the District in which it exists.
- 3. Change of use.
  - a. A nonconforming use may be changed to another nonconforming use of the same or more restrictive classification if authorized by special exception. Classification is based upon the uses allowed by District, with the most restrictive District first and the least restrictive District last: RA, RL, RM, RH, MRC, CO, CS, CI and I.
  - b. Whenever a nonconforming use has been changed to a more restrictive classification, such use shall not thereafter be changed to a use of less restrictive classification.
  - c. If the nonconforming use is changed to a conforming use, it shall not revert to a nonconforming use.
- 4. Abandonment and discontinuance - If the nonconforming use of a building or land ceases or is discontinued for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance, except when the discontinuance is due to a death and the settling of the estate. In such cases, the discontinuance shall not be presumed to start until the estate is settled or a court order concerning the disposition of the estate has been entered.
- B. Whenever a nonconforming use occupies a structure or building which is dimensionally nonconforming and/or a lot which is nonconforming, the expansion, enlargement or change of use shall always be by special exception and subject to all other requirements of Section 265-901.
- C. Uses which are or become nuisances shall not be entitled to continue as nonconforming uses or be eligible for a special exception.

**SECTION 265-902. DIMENSIONAL NONCONFORMITIES OF STRUCTURES**

All structures with a lawful dimensional nonconformity (e.g., insufficient setback) on the effective date and structures which become dimensional nonconformities because of an amendment may be continued. A structure of this type:

- A. May not be enlarged or expanded in any respect that would increase the amount of the dimensional nonconformity in question.
- B. If the nonconforming dimension violates the requirements by less than twenty (20) percent, a structure may be extended, provided the extension does not involve a greater encroachment into the required setback or yard area than did the original structure.
- C. If the nonconforming dimension violates the requirements by twenty (20) percent or more, a structure may be enlarged or extended, by special exception, provided the

extension does not involve a greater encroachment into the required setback or yard area than did the original structure.

- D. May not be reconstructed, except as a conforming structure if destroyed or damaged by fire, explosion, windstorm, lightning or similar cause to an extent exceeding fifty (50) percent of its market value.
- E. May be reconstructed to its prior dimensions or as otherwise provided for in this section if destroyed or damaged by fire, explosion, windstorm, lightning or similar cause to an extent less than fifty (50) percent of its market value.
- F. All structures situated within the floodplain, if destroyed or damaged shall be required to meet the provisions of the York Township Floodplain Management Ordinance.

**SECTION 265-903. DIMENSIONAL NONCONFORMITIES OF LOTS**

Lots lawfully nonconforming because of a lot dimension on the effective date of this Ordinance and lots which become nonconforming because of an amendment, if held in separate ownership from that of adjoining land on the same date, may be used for construction of a conforming structure or for enlargement or extension in conforming respects of an existing structure or use as follows:

- A. By right, and after the issuance of any applicable permits, if the major nonconforming lot dimension violates the requirements by less than twenty (20) percent.
- B. By special exception from the Zoning Hearing Board, if the major nonconforming lot dimension violates the requirements by twenty (20) percent or more.



**ARTICLE 10**  
**ADMINISTRATION, ENFORCEMENT AND ZONING HEARING BOARD**

**SECTION 265-1001. ZONING OFFICER**

For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Commissioners. The Zoning Officer shall meet qualifications established by the Commissioners and shall be able to demonstrate to the satisfaction of the Commissioners a working knowledge of municipal zoning. The Zoning Officer shall administer the zoning ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance and other applicable Township codes and ordinances. The Zoning Officer issues all zoning permits, certificates of use and, at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment by the Township.

**SECTION 265-1002. ZONING PERMIT**

- A. It shall be unlawful to commence the construction, moving or alteration of any structure until the Zoning Officer has issued a zoning permit for such work.
- B. The application for a permit shall be submitted on a form provided by the Township and shall be accompanied by the required fee. Application for a permit shall be made by the owner or lessee of any structure, or agent of either. The full names and addresses of the owner, lessee, and/or applicant shall be stated on the application. If the owner or lessee is a corporate body, the names and contact information of the responsible officers shall be stated in the application.
- C. The application shall contain a general description of the proposed work, use and occupancy of all parts of the structure and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plan of the proposed structure drawn to scale with sufficient clarity to show the nature and character of the work to be performed.
- D. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he/she shall reject such application, in writing, stating the reasons therefor. He/she shall inform the applicant of the right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conform to the provisions of this Ordinance and all laws and ordinances applicable thereto, he/she shall issue a permit as soon as practical.
- E. The permit shall expire after one (1) year from the date of issuance. At the discretion of the Township the permit may be extended for one (1) year where cause of delay is shown.
- F. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact or incorrect

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information in the application or on the plans on which the permit or approval was based or for any other cause set forth in this Ordinance.

- G. The permit shall be kept on the site of operations open to public inspection during the entire duration of the work or use and until the completion of the same as defined on the application.
- H. No permit to begin work for the construction, alteration, repair, extension, replacement and/or use of any structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Commissioners pursuant to resolution shall be paid. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or any other ordinance or law.
- I. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance, except as stipulated by the Zoning Hearing Board.
- J. All work or uses shall conform to the approved application and plans for which the permit has been issued.

### **SECTION 265-1003. BUILDING PERMIT**

- A. No structure shall be erected, moved, placed, constructed or enlarged unless a Building Permit has been issued by the Building Code Official in accordance with the provisions of the Uniform Construction Code (UCC). The structure shall be constructed in strict conformance with the application submitted pursuant thereto.
- B. The application for a Building Permit shall be submitted on a form provided by the Township and shall be accompanied by the required fee. Application for a building permit shall be made by the owner or lessee of any structure, or agent of either. The full names and addresses of the owner, lessee, and/or applicant shall be stated on the application. If the owner or lessee is a corporate body, the names and contact information of the responsible officers shall be stated in the application.
- C. The Building Permit shall expire after one (1) year from the date of issuance. At the discretion of the Township the permit may be extended for one (1) year where cause of delay is shown.
- D. The Building Code Official may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact or incorrect information in the application or on the plans on which the permit or approval was based.
- E. The permit shall be kept on the site of operations open to public inspection during the entire duration of the work or use and until the completion of the same as defined on the application.
- F. A Certificate of Occupancy shall be issued by the Building Code Official upon satisfactory completion of construction, however a Certificate of Use is also required prior to use of the structure.

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### **SECTION 265-1004. CERTIFICATE OF USE**

- A. It shall be unlawful to use and/or occupy any new structure or any change of use of a structure or land until a Certificate of Use has been issued by the Township.
- B. An application for Certificate of Use shall be obtained at time of building and/or zoning permit issuance. The application shall be submitted to the Township upon completion of all required improvements. Improvements include, but are not limited to, driveways, access drives, parking lots, landscaping and buffers, grading, stabilization, stormwater BMPs, curbs, sidewalks, etc.
- C. Upon submission of application for a Certificate of Use, the Township shall inspect the property to ensure the improvements were properly completed. If the improvements are found to be satisfactory, a Certificate of Use shall be issued. In the event the improvements are found incomplete, written notification identifying deficiencies will be provided to the owner.
- D. Upon request of the owner, the Zoning Officer may issue a temporary Certificate of Use, provided that:
  - 1. Such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare.
  - 2. Guarantee of future performance must be filed with the Township assuring the installation and completion of all improvements required in a form acceptable to the Township Solicitor.

### **SECTION 265-1005. ENFORCEMENT NOTICE AND REMEDY**

If the Zoning Officer determines that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided below:

- A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that and to any other person requested, in writing, by the owner of record.
- B. An enforcement notice shall state at least the following:
  - 1. The name of the owner of record and any other person against whom the Township intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - 4. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
  - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days after the notice is issued.

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6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- C. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation; in which event, there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Township.
- D. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- E. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

### **SECTION 265-1006. ZONING HEARING BOARD**

- A. The Zoning Hearing Board, consisting of five (5) members who are residents of the Township, is created and continued in accordance with the provisions of the Pennsylvania Municipalities Planning Code (PA MPC). The members shall continue to serve for the balance of their existing terms. No member may hold any other Township office. Successors must be appointed on the expiration of the respective terms to serve five (5) years. Appointments to fill vacancies must be only for the unexpired portion of the terms. When any vacancies occur, the Zoning Hearing Board must promptly notify the Commissioners.
- B. Alternate members may be appointed by the Commissioners in accordance with the PA MPC. If by reason of absence or disqualification of a member, the Chairman shall designate alternate members to sit on the Zoning Hearing Board. Any alternate member of the Zoning Hearing Board shall continue to serve in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis.
- C. Any member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Commissioners, taken after the member

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has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

- D. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- E. Meetings are held at the call of the Chairman and at other times as a majority of the members may determine. The Board must fix a reasonable time for hearings, which shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
- F. Within the limits of funds appropriated by the Board of Commissioners, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Commissioners.

### **SECTION 265-1007. HEARINGS**

- A. The Zoning Hearing Board must give notice to the public of a hearing on an application or appeal. The notice must state the name of the applicant, the nature of the request, the location of the property and the time and place set for the hearing. Notice must be given by:
  - 1. Mailing written notice at least one (1) week prior to the date of hearing to the parties in interest and to adjoining landowners;
  - 2. Publishing a notice once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days in advance of the scheduled date of the hearing; and
  - 3. Conspicuously posting written notice of hearing on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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- D. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. Formal rules of evidence shall not apply, but irrelevant, immaterial or overly repetitious evidence may be excluded.
- E. At public hearings, the applicant or appellant must appear in his own behalf or be represented by counsel or agent. Statements are to be in the order following or as the Chairman may direct:
  - 1. Applicant or appellant.
  - 2. Zoning Officer and other Township officials.
  - 3. Other interested parties and parties entitled to notice by mail.
  - 4. The applicant or appellant must be given an opportunity for rebuttal.
- F. Records shall be kept in accordance with the PA MPC. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
- G. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from the Zoning Hearing Board's or hearing officer's solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- H. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of this chapter or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- I. Whenever the Board imposes a condition or conditions with respect to the granting of an application of appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this chapter are adhered to.
- J. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make their report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of

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- findings. The Board's decision shall be entered no later than 30 days after the report of the hearing officer.
- K. Where the Zoning Hearing Board fails to render the decision within the period of time required in this section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
- L. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Section 265-1006. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- M. A copy of the final decision, or findings where no decision is called for, must be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Board must provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### **SECTION 265-1008. ZONING HEARING BOARD JURISDICTION**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Commissioners, pursuant to Section 265-1017 Substantive Questions on Validity of Ordinance and Section 265-1018, Curative amendments.
- B. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, failure to act on the application for a permit, or the issuance of any cease and desist order, structure or lot.
- C. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to the erosion and sediment control, and stormwater management insofar as the same relate to development not involving the SALDO.
- D. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the requirements of this Ordinance.
- F. Applications for special exceptions under this Ordinance.
- G. Appeals from the Zoning Officer's determination.

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### **SECTION 265-1009. SPECIAL EXCEPTIONS**

- A. Application for a special exception shall be submitted on a form provided by the Township with fees as set forth on the Township Fee Schedule.
- B. The use regulations, as set forth in the various zoning districts must be followed by the Zoning Hearing Board. Where no use regulations are set forth for the particular use, the Board must impose use requirements as necessary to protect the public welfare and to conform to the meaning and intent of this Ordinance and the Comprehensive Plan.
- C. General standards for special exceptions. The Zoning Hearing Board may grant a special exception where the applicant shows the following:
  - 1. Purpose. The intended purpose of the proposed use must be consistent with the Township's development objectives as established in the Comprehensive Plan.
  - 2. Compatibility. The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed in relationship to and its effect upon surrounding land uses and existing environment conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation.
  - 3. Suitability. The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and generation of traffic.
  - 4. Serviceability. Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, fire, police and other public facilities and the ability of the Township to supply such services.
  - 5. Accessibility. The proposed use shall provide adequate ingress or egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing or proposed Township street system.
  - 6. Conformity. The proposed use shall be in conformance with all applicable requirements of this article and, where applicable, in accordance with the SALDO. When the proposed use shall require the approval of a subdivision or land development plan, demonstration of conformance with all of the applicable requirements of the SALDO, except those required by the general and specific standards of the Zoning Ordinance, shall not be required for the approval of a special exception.
  - 7. The Zoning Hearing Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this article, it deems necessary to ensure that any proposed development will be consistent with the purposes and intent of this Ordinance.
- D. Specific standards. In addition to the general standards for all special exceptions as contained in Subsection C above, the specific standards for particular uses as listed in Article 6 must be met prior to the granting of a special exception. When the proposed use shall require the approval of a subdivision or land development plan, demonstration



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of conformance with all applicable requirements of the SALDO, except those required by the general or specific standards of the Zoning Ordinance. Such conformance shall be demonstrated during the subdivision or land development process.

- E. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception expires if the applicant fails to, where required to do so, obtain a permit, submit a land development plan or commence work within six (6) months of the date of the authorization of the special exception.

### **SECTION 265-1010. VARIANCES**

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer.
- B. Application for a variance shall be submitted on a form provided by the Township with fees as set forth on the Township Fee Schedule.
- C. The Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
  - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3. That such unnecessary hardship has not been created by the applicant.
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- D. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the PA MPC and this Chapter.
- E. Unless otherwise specified or extended by the Zoning Hearing Board, a variance expires if the applicant fails to, where required to do so, obtain a permit, submit a land

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development plan or commence work within six (6) months of the date of the authorization of the variance.

### **SECTION 265-1011. APPEALS**

- A. Appeals to the Zoning Hearing Board may be made by any person, any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within thirty (30) days after notice of the determination is issued by the Zoning Officer by filing with the Zoning Officer and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:
1. The name and address of the appellant;
  2. The name and address of the owner of the real estate to be affected by such proposed change or appeal;
  3. A brief description and location of the real estate to be affected by such proposal change;
  4. A statement of the present zoning classification of the real estate in question, the improvement thereon, and the present use thereof;
  5. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and
  6. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon.
- B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of the Zoning Ordinance or Zoning Map pursuant to Section 265-1017 shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved preliminary approval.

### **SECTION 265-1012. EFFECT OF APPEAL**

In accordance with the terms of the PA MPC, the effect of appeal shall be as follows:

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- A. Upon filing of any proceeding referred to in Section 265-1008 above and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

### **SECTION 265-1013. FEES**

For each application, permit or appeal, the applicant or appellant must pay the Township a fee as set by resolution of the Township Commissioners.

### **SECTION 265-1014. ERRONEOUS PERMIT**

A permit or authorization issued or approved in violation of the provisions of this Ordinance is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Township purporting to validate such a violation. Notwithstanding the foregoing, the Zoning Officer, upon determining that a permit or other permit was issued or approved in violation of the provisions of this Ordinance shall immediately notify the permittee, in writing, of the revocation of the permit.

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### **SECTION 265-1015. BOARD OF COMMISSIONERS**

The Board of Commissioners shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. All applications for approval of subdivisions or land developments in accordance with the requirements of the York Township Subdivision and Land Development Ordinance.
- B. Applications for curative amendment to this Ordinance pursuant to Section 265-1018.
- C. All petitions for amendments to this Ordinance, pursuant to the procedures set forth in Section 265-1018.
- D. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of any land use ordinance or provisions thereof with reference to erosion and sediment control and stormwater management insofar as the same relate to application for development involving SALDO applications. Where such determination relates only to this Ordinance not involving a SALDO application, the appeal from such determination of the Zoning Officer or Township Engineer shall be to the Zoning Hearing Board pursuant to Sections 265-1008 and 265-1011.

### **SECTION 265-1016. ZONING ORDINANCE AMENDMENTS**

- A. The Commissioners may from time to time amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the manner prescribed by the PA MPC.
- B. Proposals for amendment, supplement, change, modification or repeal may be initiated by the Commissioners on its own motion or by the Planning Commission. Owners of property in the Township may by petition submit proposals for amendment, supplement, change, modification or repeal of this chapter, subject to the following provisions:
  - 1. A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. Said fee shall be in accordance with a fee schedule adopted by resolution of the Commissioners from time to time.
  - 2. Upon receipt of said petition and the requisite fee, the Zoning Officer shall transmit a copy of the petition to the Planning Commission.
- C. In the case of an amendment other than that prepared by the Planning Commission, the amendment shall be submitted to the Planning Commission at least thirty (30) days prior to the hearing on such amendment. The Planning Commission shall make a report and recommendation to the Commissioners.
- D. Within thirty (30) days after receipt of the Planning Commission's report and recommendation, the Commissioners shall either fix a time for public hearing or notify the petitioner of its decision not to consider the proposal.
- E. At least thirty (30) days prior to the public hearing on the amendment by the Commissioners, the proposed amendment shall be submitted to the York County Planning Commission for recommendations.

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- F. Before voting on the enactment of an amendment, the Commissioners shall hold a public hearing thereon, pursuant to public notice.
- G. When such hearing concerns a Zoning Map change, written notice shall be given by first class mail, to the landowner(s) within the area being rezoned. In addition, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested residents. The affected tract or area shall be posted at least one week prior to the date of the hearing. This notice and posting shall not apply when the rezoning constitutes a comprehensive rezoning.
- H. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Commissioners shall hold another public hearing, pursuant to public notice. The proposed substantial change shall be forwarded to the Township Planning Commission and the York County Planning Commission for review and comment at least thirty (30) days prior to the hearing.
- I. The vote on the enactment by the Commissioners shall be within ninety (90) days after the last public hearing. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the York County Planning Commission.

### **SECTION 265-1017. SUBSTANTIVE QUESTIONS ON VALIDITY OF ORDINANCE**

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
  - 1. To the Zoning Hearing Board under Section 265-1008; or
  - 2. To the Commissioners under Section 265-1018, together with a request for a curative amendment.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 265-1008.
- C. The submissions referred to in Subsections 1017.A and B above shall be governed by the following:
  - 1. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under Section 265-1018, the application to the Commissioners shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed

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- use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
2. If the submission is made by the landowner to the Commissioners under Section 265-1018, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
  3. If the submission is made to the Commissioners, the Township Solicitor shall represent and advise it at the hearing.
  4. The Commissioners may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
  5. Based on the testimony presented at the hearing or hearings, the Commissioners or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Commissioners is found to have merit, the Commissioners shall proceed as provided in Section 265-1018. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
    - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
    - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
    - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
    - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
    - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
  6. The Commissioners or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Commissioners or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within these time limits, a denial of the request is deemed to have occurred on the 46<sup>th</sup> day after the close of the last hearing.

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- D. The Zoning Hearing Board or the Commissioners, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
  - 1. The Zoning Hearing Board or the Commissioners, as the case may be, fails to commence the hearing within the time limits set forth in Subsection 265-1017;
  - 2. The Commissioners notify the landowner that it will not adopt the curative amendment;
  - 3. The Commissioners adopt another curative amendment which is unacceptable to the landowner; or
  - 4. The Zoning Hearing Board or the Commissioners, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Township.
- G. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Commissioners pursuant to Section 265-1015 or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 265-1008 or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary approval pursuant to the requirements for subdivision and land development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary plan, the provisions of Section 508(4) of the PA MPC shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any SALDO, the developer shall have one year within which to file for a permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

### **SECTION 265-1018. CURATIVE AMENDMENTS**

A curative amendment may be initiated by either a landowner or by the Commissioners.

- A. Procedure for landowner curative amendments. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an

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interest may submit a curative amendment to the Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 265-1017.

1. The Commissioners shall commence a hearing thereon within sixty (60) days of the request as provided in Section 265-1017. The curative amendment and challenge shall be referred to the Township and County Planning Commissions as provided in Section 265-1016 and notice of the hearing thereon shall be given as provided in Section 265-1019.
  2. The hearing shall be conducted in accordance with Section 265-1007. If the Commissioners do not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
  3. If the Commissioners determine that a validity challenge has merit, the Commissioners may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Commissioners shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
    - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
    - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
    - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
    - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features; the degree to which these are protected or destroyed; the tolerance of the resources to development; and any adverse environmental impacts
    - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- B. Procedure for municipal curative amendments.
1. If the Commissioners determine that this Zoning Ordinance or any portion thereof is substantially invalid, the Commissioners shall declare, by formal action, this Zoning Ordinance or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Commissioners shall:
    - a. By resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance, which may include:



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- 1) References to specific uses which are either not permitted or not permitted in sufficient quantity;
  - 2) Reference to a class of use or uses which require revision; or
  - 3) Reference to the entire ordinance which requires revisions.
- b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Commissioners shall enact a curative amendment to validate or reaffirm the validity of the Zoning Ordinance.
  3. Upon the date of the declaration and proposal, the Commissioners shall not be required to entertain or consider any landowner's curative amendment; nor shall the Zoning Hearing Board be required to give a report requested under Section 265-1017 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by this section. Upon completion of the procedures as set forth in this section, no rights to a cure shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this section.
  4. The Commissioners, having utilized the procedures as set forth in this section, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of the Zoning Ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

### **SECTION 265-1019. PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCES**

- A. Proposed zoning ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section and shall include the time and place of the meeting at which passage will be considered and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Commissioners shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the County Commissioners, who may

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impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.

- B. In the event that substantial amendments are made in the proposed amendment, before voting upon enactment, the Commissioners shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.
- C. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**ARTICLE 11**  
**DEFINITIONS**

The following words are defined in order to facilitate the interpretation of this Ordinance.

**Abutting:** Having property or zoning district lines in common.

**Access:** A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

**Access Drive:** A private drive, other than a driveway, which provides for vehicular access within a Land Development and/or for all non-residential and multi-family uses.

**Accessory Structure:** A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot.

**Accessory Unit, Single Bedroom:** An independent dwelling unit containing only one (1) bedroom that has been added onto, or created within, a single family dwelling or an existing accessory structure and having an independent means of access.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the building and located on the same lot of the principal use or building.

**Advertising Sign:** See definition for *Sign*.

**Adult Oriented Business:** A business or club which engages in one or more of the following areas of sales, services or entertainment: an adult bookstore, adult theater, massage establishment, other adult-oriented retail, commercial service or entertainment establishment, including an adult novelty store, adult video store, adult cabaret, escort agency, nude model studio, sexual encounter center, or other commercial or not-for-profit establishment where adult entertainment is presented for money or other forms of consideration.

**Agent:** Any person, other than the property owner, who is acting for the property owner.

**Age Restricted Community (ARC):** A residential development for individuals age 55 and over which emphasizes social and recreational activities but may also provide incidental personal services, limited health facilities, and transportation.

**Agribusiness:** Activities including the sales, rental and service of farm equipment and supplies and the processing, storage and distribution of farm commodities. Agribusiness operations do not include the raising of live animals or the display and retail sale of agricultural produce.

**Agriculture:** The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to; aquaculture; 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.

**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 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.

**Agricultural Products:** The produce of field, pasture, meadow and garden, and fruits, melons, berries, nuts and vegetables, livestock, poultry and poultry products, dairy products and all other similar products commonly known as agricultural commodities.

**Alteration, Structural:** Any change or rearrangement in the floor area, in the exit facilities, or an enlargement; whether by extending on a side or by increasing in height, or by moving from one location or position to another. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders.

**Alternative Energy System:** A process to derive energy from renewable sources, such as solar, wind, wood, geothermal or water.

**Americans With Disabilities Act (ADA):** Americans with Disabilities Act of 1990, Public Law 101-336, as amended.

**Animal Hospital:** A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian. Housing or boarding of such animals shall be for medical or surgical treatment only.

**Antenna Height:** The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

**Antenna Support Structures:** Any structure, mast, pole, tripod, or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

**APCA:** Air Pollution Control Act

**Apartment, Conversion:** A multi-family dwelling constructed by converting an existing structure into apartments without substantially altering the exterior of the building.

**Apartment:** One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

**Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including his or her, heirs, successors and assigns.

**Application:** All forms and other materials required to apply for any permit, variance, waiver, or other approval.

**Area, Gross Lot:** The total horizontal area contained within the property lines of individual parcels of land.

**Area, Net Lot:** The total horizontal area within the property lines of individual parcels of land, excluding:

1. Areas within an existing or proposed, public or private, easement or right-of-way the terms or conditions of which restrict or limit the nature, dimensional characteristics or intensity of development or development activities within the said easement or right-of-way;
2. In the case of an interior lot, any right-of-way and/or easement connecting such interior lot to a road or street;
3. Areas of prohibitive slope, watercourses, fifty (50) feet landward from the top-of-bank of any watercourse, floodplains and wetlands.

**Area, Building:** The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves and gutters projecting not more than eighteen (18) inches.

**Assisted Living:** Apartment-type housing for the elderly that may provide shared dining facilities, residential health care facilities, personal care and supervision, recreational activities, financial services and transportation.

**Authority, York Township Water and Sewer:** A municipal authority incorporated pursuant to and existing under the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as contained by Act No. 22, approved on June 19, 2001, 53 Pa. C.S.A. §5601 *et seq.*, as amended and supplemented.

**Bar:** Any building used for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment may be offered and which is licensed by the Pennsylvania Liquor Control Board. This term includes taverns, pubs, sports bars, saloons, nightclubs, cocktail lounges and micro-breweries. Bars may also provide for on-site consumption of food and the retail sale of carry-out beer and wine as accessory uses.

**Basement:** A space having one-half ( $\frac{1}{2}$ ) or more of its floor to ceiling height below the average level of the adjoining ground and with a floor to ceiling height of not less than six and one-half (6.5) feet.

**Bed-and-Breakfast Inn:** An owner-occupied single-family residence containing guest rooms which are rented on a daily basis.

**Berm:** A mound of soil, either natural or manmade.

**Betting Establishment:** Any legal gambling use, including but not limited to off-track betting or any licensed gaming facility as authorized by the Commonwealth of Pennsylvania, pursuant to 4 Pa. C.S.A., Chapter 11, entitled "Pennsylvania Race Horse Development and Gaming Act," as amended, but excluding small games of chance. (10 Pa. C.S.A. 311 *et seq.*). The establishment may also include such accessory uses as restaurants.

**Bikeway:** A pathway, often paved, which may be separated from streets and sidewalks, designed to be used by non-motorized cyclists.

**Board of Commissioners (or Commissioners):** The Board of Commissioners of the Township of York.

**Buffer:** An area that protects adjacent uses from visual and/or audible intrusions. Typical buffers include trees and evergreen plants, bushes and shrubs, forbs and grasses, and other landscape features and materials. Typically the only structures permitted within landscape buffers are walls or fences that enhance primary buffer functions. However,

this is not meant to restrict innovative structures (such as waterfalls or fountains) that enhance primary buffer functions.

**Building:** Any structure on a lot, having a roof supported by columns or walls, including covered porches, bay windows, and chimneys. *See Structure.*

**Building, Accessory or structure:** A subordinate building the use of which is customarily incidental to that of the main or principal building.

**Building Area, Gross:** The total area of a building available for construction or use, as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings, as well as dimension requirements.

**Building Height:** The vertical distance measured from the average elevation of the finished lot grade at each face of the building to the highest point of the building (to the highest point of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof). The grade shall not be altered for the purpose of changing the elevation.

**Building Separation:** The distance between building and their appendages on a single lot, measured at the point where the buildings and their appendages are closest.

**Camp/Campground:** A parcel of land used for seasonal, recreational or other similar temporary living purposes, such as cabins, tents, recreational vehicles or shelters, but shall not include a manufactured home park.

**Campsite:** A plot of ground within a camp/campground intended for occupation in cabins, tents, recreational vehicles or other temporary shelters.

**Campus:** Commercial use properties containing a Gross Lot Area of fifty (50) acres or more under single or condominium ownership.

**Canopy:** A structure free standing or affixed to a building intended to shield persons from sunlight or precipitation.

**Car Wash:** A structure used for the washing, polishing, vacuuming and/or drying of motor vehicles

**Carport:** A roofed structure, enclosed on not more than three (3) sides, designed or used for parking vehicles.

**Cemetery:** A parcel of land used for interment for human or animal remains.

**Certificate of Occupancy:** The document which permits the occupancy of a building under the Pennsylvania Uniform Construction Code and certifies that the structure has been constructed in compliance with all applicable building codes and ordinances.

**Certificate of Use:** The document which permits the use of a lot in accordance with the approved plans and specifications and which certifies compliance with the provisions of this Ordinance.

**Change of Use:** A use that differs from the previous use of a building or lot, where the new use imposes other provisions of the Zoning Ordinance.

**Channel:** Any natural or manmade conveyance. Channels include rivers, streams, creeks, watercourses, ditches, swales, etc. and exclude pipes, pumps, and other similar facilities.

**Church:** *See House of Worship.*

**Clean Wood:** A natural wood that has no paint, stains, or other types of coatings, and that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

**Clear Sight Triangle:** An area of unobstructed vision at the intersection of two (2) or more streets, access drives or driveways, defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets.

**Closed-Loop Geothermal System:** An apparatus that transfers energy from the earth into heated air for space heating or from heated air in a building to the earth; usually through components including: wells, a piping system, a heat transfer fluid, a circulating pump, a heat exchanger, and a compressor. The heat transfer fluid is potable or beneficial reuse water and may have approved antifreeze added.

**Clubs, Social/Fraternal:** 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 no vending stands, merchandising or commercial activities except as required for the membership or fund raising of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This does not include "nightclubs".

**Commercial Stable/Riding Stable:** An establishment where horses are kept for riding or driving, or are stabled for compensation.

**Commissioners:** The Board of Commissioners of the Township of York.

**Common Elements:** All portions of a condominium other than the units.

**Common Facilities:** Amenities owned by a group, such as a homeowners' or unit owners' association, which may include open space, recreational facilities, community sewage disposal facilities, community water supply facilities, stormwater management facilities, common parking areas and access drives, preservation areas, private streets, or other community facilities.

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Communications Antenna:** Any device used for the transmission of wireless communications signals, including omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas.

**Communications Equipment Building:** Any building containing the equipment required for the operation of Communications Antennas

**Communications Tower:** Any structure such as a monopole, self-supporting or guyed tower, designed and used to support a Communications Antenna.

**Comprehensive Plan:** The York Township Comprehensive Plan, as amended from time to time. (YT SALDO, §202.24)

**Compact Car:** A vehicle no more than fifteen (15) feet in length, and six (6) feet in width.

**Condominium:** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

**Conservation District:** The York County Conservation District.

**Contractor:** Any individual, partnership, company, association, corporation, group or entity employed, hired, contracted or otherwise engaged to perform defined services for compensation.

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

**Convenience Store:** A retail establishment of no more than 5,000 s.f. which primarily offers food and necessary household commodities but which may also dispense fuel.

**Conversion Apartment:** An existing building converted into two (2) or more dwelling units without substantially altering the exterior of the building.

**County:** County of York, Pennsylvania.

**Crematorium:** A facility licensed by the Commonwealth of PA equipped with a furnace for the purpose of reducing the deceased to ashes by heat.

**Crosswalk:** Any portion of a street, access drive or easement delineated for pedestrian crossing by lines, surface markings, signs and/or by a change in surface material.

**Cultural Facilities:** Any place, structure, or building where the knowledge, customs, and arts of a group of people are protected, preserved, presented, practiced, or performed.

**Day Care Center, Adult:** A State licensed and/or registered facility in which care is provided for the elderly, and/or functionally impaired adults in a protective setting for part of a twenty-four (24) hour day.

**Day Care Center, Child:** A State licensed and/or registered facility in which care is provided for seven (7) or more children of any age in a protective setting for part of a twenty-four (24) hour day.

**Day Care, In Home:** A State licensed and/or registered single family dwelling in which child care is provided for not more than six (6) children under the age of twelve (12), including any children under the age of twelve (12) who are residents of the dwelling.

**Deck:** An elevated platform which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living activities as an accessory use to a structure.



- Decommissioning:** An act of removing all the components of a Fuel Cell, Geothermal, Hydro, Outdoor Wood-Fired Boiler, Solar or Wind Facility.
- Dedication:** The transfer of property by the owner to another party.
- Density:** The total number of dwelling units per net area of the proposed development.
- Developer:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development.
- Development Plan:** The provisions for development of land, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.
- Domestic Pet:** Non-farm animals that are locally available for purchase as pets, and shall not include any species defined herein as exotic animals or livestock.
- Domiciliary Care Home:** A single family dwelling which provides 24-hour supervised living arrangements for not more than three (3) unrelated persons eighteen (18) years of age and above and is licensed by the Commonwealth.
- Drive through facility:** Any portion of a structure from which business is transacted with a customer located in a vehicle.
- Driveway:** A private vehicular travelway providing access between a dwelling and/or a farm and a street.
- Dwelling:** A building or structure designed specifically for human habitation, but not including hotels, motels, rooming houses or other accommodations used for transient occupancy.
- Dwelling, Accessory Farm:** A second single family dwelling, located on the same agricultural parcel as, and subordinate and incidental to, the principal single-family dwelling. An accessory farm dwelling in a building separate from the existing single family dwelling shall not be deeded separately from the principal residential dwelling. Accessory farm dwellings shall only be occupied by a laborer or an employee of the principal use of the property.
- Dwelling, Multi-Family:** A building containing three (3) or more dwelling units including apartments or townhouses. All dwelling units are located on a single lot and share a common yard area.
- Dwelling, Single-Family Detached:** A freestanding building containing one (1) dwelling unit used by one (1) household which is surrounded by open space or yards.
- Dwelling, Single-Family Semidetached:** A one (1) family dwelling attached to another one (1) family dwelling by a common vertical wall, with each dwelling on a single lot.
- Dwelling, Two-Family:** A building on a single lot containing two (2) separate dwelling units arranged either side by side or one above the other.
- Dwelling, Single-Family Attached (Townhomes):** Three (3) or more dwelling units which are attached side by side through the use of common party walls. Each unit is located on a separate lot.

**Dwelling Unit:** One (1) or more rooms used for living and sleeping purposes and having cooking, sleeping and sanitary facilities and arranged for occupancy by not more than one (1) family.

**Easement:** A grant of one or more property rights by the property owner to and/or for the use by the public or a private entity.

**Engineer, Professional:** An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering.

**Engineer, Township:** A Professional Engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

**EPA:** United States Environmental Protection Agency

**Essential Services:** Structures, facilities, systems and/or equipment necessary for the furnishing of service by government agencies, public utilities, emergency services, and/or private corporations under contract/agreement with the Township.

**Exotic Animals:** Any non-domesticated animals (except feral) including but not limited to: alligators, crocodiles, poisonous reptiles and amphibians, raptors, bears, coyotes, big cats (panthers), primates, wolves and any cross-breed of these animals that have similar characteristics in appearance and/or features. This definition is applicable whether or not the birds, animals or reptiles were bred or reared in captivity or imported.

**Facility Owner:** The person or entity having an equity interest in a facility, including their respective successors and assigns.

**Farm Occupations:** An accessory use to the primary agricultural use of a property in which residents engage in a secondary business conducted on the farm.

**Farm Market/Farm Co-Op:** A commercial enterprise consisting of one or more buildings or structures or portions thereof, either permanent or temporary, designed and used primarily for the purpose of the sale of agricultural products.

**Final Approval:** Occurs at the time that Township Board of Commissioners has determined that all conditions related to the approval of a plan have been satisfied.

**Floor Area, Gross:** The footprint of the ground floor of a building, including the area of any roofed appendages (i.e., porches, carports and terraces). All dimensions shall be measured between exterior faces of walls.

**Floor Area, Habitable:** The collective living space of the rooms used for dwelling, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than six (6) feet and floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**Forestry (Timber Harvesting):** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling of trees for commercial purposes, which does not involve any land development.

**Fuel Cell Facility:** An apparatus that either converts hydrogen or solid oxide into electricity or converts electricity into hydrogen.

**Fuel Dispensing Stations:** Any area of land, including structures thereon, that is used for the sale of gasoline or any other vehicle fuel, but not including vehicle sales, repairs, painting or car washing.

**Funeral Home:** A principal use for the preparation and/or viewing of the deceased prior to burial or cremation. Funeral homes shall not include cemeteries, crematoriums, columbarium, mausoleums, or entombments, but may include mortuaries.

**Garage, (Private):** An accessory building for the storage of one (1) or more motor vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein.

**Garage (Public):** A building designed and used for the storage of motor vehicles operated as a business and open to the public.

**Garbage:** Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

**Gazebo:** A freestanding roofed structure open on all sides.

**Geothermal Facility:** An apparatus that extracts energy from the earth in its heating mode and/or expels energy into the earth in its cooling mode.

**Geothermal Heating and/or Cooling System:** also known as geothermal heat pump systems, ground-coupled heat pump systems, earth-source heat pump systems, geoexchange systems, etc. - An apparatus that uses a heat pump to extract energy from the earth in heating mode and/or expel energy into the earth in cooling mode.

**Golf Course:** A tract of land for a regulation, par three (3) or executive nine (9) or eighteen (18) hole course.

**Grade, Finish:** The completed surfaces of lawns, walks and roads brought to grades as shown or designed on official plans.

**Greenway/Greenway Corridor:** A linear open space established along either a natural corridor, such as a riverfront, stream valley or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road or other route. Greenways are often used for recreation, as a land use buffer, or to provide a corridor and habitat for wildlife.

**Group Facility:** A shelter for the care of persons with special needs which provides food and counseling services.

Community Rehabilitation Facility: Group living quarters for persons who need specialized housing, treatment, and or counseling that:

- A. Provides supervised housing as an alternative to imprisonment, including but not limited to prerelease, work release, probationary programs or criminal rehabilitation, or
- B. Provides treatment/housing for persons convicted of driving under the influence of alcohol or drugs.

**Group-Care Facility:** A shelter providing counseling and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such supervisory personnel, as may be required to meet standards of the licensing agency. A group care facility must be licensed and/or approved by the Commonwealth.

**Temporary Shelter:** A structure or part thereof utilized for the temporary housing of families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the Township other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

**Group Home:** A licensed dwelling providing supervised non-transient lodging or residential services for not more than nine (9) individual persons where special care is needed due to age, emotional, mental or physical handicap.

**Hazardous Material:** A substance or combination of substances that because of the quantity, concentration, physical, chemical or infectious characteristics if not properly handled, stored, transported, used, disposed of, or otherwise managed, would create a potential threat to the public health. Such hazardous materials include substances under PA-DEP regulations.

**Hazardous Waste:** Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to damage health or impair safety.

**Heat Pump:** A apparatus used for heating and/or cooling which operates by extracting energy from a cooler to a warmer location or expelling energy from a warmer to a cooler location.

**Heavy Equipment:** Vehicles, machinery and/or tools not routinely used on a residential dwelling lot. Examples include but are not limited to commercial trucks and trailers, farm equipment, excavation equipment, industrial machinery etc.

**Helipad:** An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and not including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

**Heliport:** A helipad(s) which includes auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

**Home Occupation:** An occupation, profession, activity or use conducted within a single family dwelling unit. Home Occupation uses are intended to be of a service nature and not involve the purchase and/or sale of goods on the premises. The use shall be clearly incidental and secondary to the residential use.

**Hospital:** An institution, licensed by the Commonwealth as a hospital which renders in-patient and out-patient medical care on a twenty-four (24) hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical and/or mental conditions. The hospital use may also include as an integral part of the institution related facilities, such as laboratories, pharmacies, out-patient facilities, support services, training facilities, and medical offices.

**Hotel/motel:** A building(s) offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

**House of Worship:** A building(s) for religious services. Accessory uses may include social and administrative areas, rectories, convents, religious schools, religious day care facilities, cemeteries, or any combination thereof.

**Hydro Facility:** An apparatus that converts the momentum of water into electricity and/or mechanical energy.

**Improvements:** Those physical additions, installations and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street trees.

**Improvement(s), Public:** Streets, pavements, curbs, gutters, sidewalks, public utilities, sanitary sewers, stormwater facilities, grading, street signs, street trees, required plantings, and other items required for the welfare of the property owners and the public.

**Infiltration:** The entrance of surface water into the soil, usually at the soil/air interface.

**Junk:** Any discarded materials including but not limited to machinery, scrap metals, appliances, articles or objects possessing market value in part, gross or aggregate, scrapped and/or inoperable motor vehicles and parts thereof, but not including garbage or other organic waste or farm machinery.

**Kenel, Commercial:** An establishment in which four (4) or more animals, exotic or domesticated, that are more than six (6) months old are kept, boarded, bred, raised, treated or trained for a fee.

**Land Development:** Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or
2. A subdivision of land.
3. Excluded from the definition of land development are the following:
  - a) The conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium
  - b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

- c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this sub-clause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**Landscape Business/Landscape Yard:** A business primarily for providing the service of lawn maintenance which may also include the storage and sale of bulk materials used in such business.

**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 authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**Livestock:** Any domestic animal commonly associated with farming, including but not limited to the bovine, equine, poultry, swine and/or sheep families, raised and kept primarily for food, fiber or for recreation.

**Loading Space:** An off-street space for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street.

**Location Map:** A map showing the site with relation to adjoining areas.

**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Lot Area:** see *Area, Gross Lot and Area, Net Lot*

**Lot, Corner:** A lot or parcel of land abutting on two (2) or more streets at their intersection, or on two (2) parts with the same street forming an interior angle of less than 135 degrees.

**Lot, Flag:** A lot which does not meet the minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway (known as the flagpole of the lot).

**Lot Frontage:** The horizontal or curvilinear distance measured along the street right-of-way line upon which a lot abuts.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Nonconforming:** A lot of record prior to the enactment of the Zoning Ordinance of York Township, which by reason of area or dimension, or which has received a variance for area or dimension and does not conform to the requirements of the District in which it is located.

**Lot, Reverse Frontage:** A lot extending between, and having frontage and access on two parallel streets and having vehicular access restricted to the street of lower Average Daily Traffic (ADT).

**Lot, Through:** A lot extending between, and having frontage on two parallel streets.

**Lot Coverage:** The total area of improvements (i.e. building, structures, paving and/or pavers etc.) divided by Net Lot Area.

**Lot Lines:** The property lines of a lot or parcel as defined herein:

**Front Lot Line:** The lot line(s) within or along and/or parallel or most closely aligned with the street right-of-way or access drive. Flag lot front lot lines shall also include the 'body' or 'flag' property line which most closely parallels the street of address.

**Rear Lot Line:** The lot line(s) most nearly opposite and most distant from the street of address, and most parallel to the street right-of-way line, except for a lot line that is itself a street right-of-way line. In the case of a lot having only three (3) property lines, a line ten feet in length within the lot, between the two side lot lines, which is parallel to (or in the event of a curved lot line, is equidistant to) the front lot line shall be used as the rear line.

**Side Lot Line:** The lot line(s) which determine the depth of a lot and are not front or rear lot lines.

**Lot Width:** The distance from each side property line as measured at the minimum front setback.

**Manufactured/Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again begin separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Manufactured/Mobile Home Lot:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Manufactured/Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Manufacturing:** The processing and/or converting of raw unfinished or finished materials or products into an article or substance of different character, or for a different purpose.

**Manufacturing, Light and Custom:** The processing, fabricating, assembly or disassembly of items within an enclosed building where such processing will not produce noise, air pollution, vibration, fire hazard, or noxious emissions outside of the building. Uses include, but are not limited to, printing, drafting, beverage bottling, tool and die making, apparel assembly, electronic assembly, food and bakery products, cabinet making, and other similar uses.

**Medical Center:** A building(s) occupied by a group of medical practitioners and/or related services for the purpose of providing health services to the general public on an out-patient basis.

**Medical Office:** A single medical practice with one specialty, but which may have several practitioners which share common administrative services.

**Medical Research Facility:** An establishment which explores and/or studies biological sciences and may include engineering and product development and/or furthers the body of knowledge in the field of medicine.

**Medical Laboratory:** A facility where biological tissue and blood samples are tested for medical purposes, and may be open to the general public.

**Mineral Extraction/Processing:** The removal or recovery and/or refining of materials from the earth (including but not limited to soil, peat, rock, sand, gravel, ores, coal, natural gas, and crude oil).

**Mixed Use Unit:** A building or portion of a building that includes nonresidential uses permitted in the Mixed Residential Commercial (MRC) District in combination with a dwelling unit located above or below such place of business. A person or persons other than the proprietor of the business may reside in the Mixed Use Unit.

**Motor Freight Terminal:** A facility in which trucks and/or their cargo are stored and/or staged for distribution.

**Municipalities Planning Code (MPC):** The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

**Municipality:** The Township of York, York County, PA.

**Natural Feature:** A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those which, if disturbed, may cause hazards or stress to life, property, or the natural environment.

**No-Impact, Home-Based Business:** A business or commercial activity administered or conducted as an accessory use 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.

**Nonconforming Lot:** A lot of which the area or dimension was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure:** See definition of *Structure, Nonconforming* A structure or part of a structure that does not comply with the applicable provisions in this Ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Nonconforming Use:** A use, whether of land or of a structure, which does not comply with 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.

**Occupied Building:** A residence, school, hospital, House of Worship, or building used for private or public gathering that is occupied or in use when the permit application is submitted.



**On-Lot Sewage Disposal System:** Any system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil and/or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is approved by the Pennsylvania Department of Environmental Protection.

**Open-Loop Geothermal System:** An apparatus that delivers groundwater or spring water to a water-source heat pump. The discharge water from the water-source heat pump is either returned to the subsurface through a recharge well or infiltration bed or discharged into a pond, lake, or stream.

**Open Space:** Any parcel or area of land or water which is unimproved.

**Operator:** A person or entity responsible for the day-to-day operation and maintenance of a facility.

**Ornamental Pond:** Any structure containing water with a maximum depth less than twenty-four (24) inches for landscaping purposes.

**Outdoor Wood-Fired Boiler Facility:** also known as outdoor wood-burners, outdoor hydronic heaters, water stoves, etc. - An apparatus, located outside and separate from the building it serves, that converts energy from wood or other approved solid fuels into heated water for space heating or hot water and complies with current EPA standards.

**Outparcel:** A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks and similar financial institutions, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

**Owner:** A person or entity vested with sole or partial, legal or equitable ownership of the subject property.

**Patio:** An area intended for outdoor use that is paved in some fashion and is flush with the ground.

**Performance Standards:** A minimum requirement or maximum allowable limit on the effects or characteristics of a use.

**Person:** An individual, partnership, company, association, corporation or other group or legal entity.

**Personal Care Home:** A facility which provides 24-hour supervised living arrangements for four (4) or more unrelated persons eighteen (18) years of age and above which does not provide medical services, hospice service or skilled nursing services, and is licensed by the Commonwealth.

**Personal Services:** Establishments primarily engaged in providing services involving the care of a person or his/her personal goods or apparel. Such activities shall include but not be limited to barber shops, beauty salons, travel agencies, photographic studios, radio and television repair, repair shops for home appliances and tools, bicycles, locks, shoes, watches, tailor and dressmaking shops, and pet grooming with no overnight boarding.

**Plan:** The map or plat of a subdivision or land development, whether sketch, preliminary or final.

**Planning Commission:** The York Township Planning Commission, unless otherwise noted.

**Pond:** A natural or man-made body of water used for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses.

**Portable Storage Unit (POD):** Portable storage unit transported by truck and intended for moving and/or storage.

**Principal Building:** A building in which the principal use of the lot is conducted.

**Principal Use:** The main or primary use of property, buildings, or structures.

**Private Street:** All streets which have not been dedicated to or accepted by the municipality or governmental entity.

**Property Owner:** *see Landowner*

**Public:** Owned, operated or controlled by a governmental entity (Federal, state, county, or local).

**Public Hearing:** A formal meeting held pursuant to public notice by the governing body or Zoning Hearing Board, intended to inform and obtain public comment prior to taking action in accordance with the Zoning and/or Subdivision and Land Development Ordinance(s).

**Public Improvements:** Any construction or enhancement that is designed to provide transportation, water supply, sewage disposal, flood protection, recreational facilities and/or to serve public requirements in accordance with this Ordinance.

**Public Meeting:** A forum held pursuant to notice under 65 PA. C.S.CH.7

**Public Notice:** Notice published once a 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**Public/Quasi-Public Parking Lot and/or Garage:** An outdoor area or specifically designed structure explicitly utilized for the storage of passenger vehicles for short-term off-street parking available to the general public.

**Public/Semi-Public Buildings and Uses:** Buildings of an institutional nature in serving a public need such as libraries, post offices, magistrate offices, municipal buildings and similar uses.

**Public Sewer:** A municipal sanitary sewer system, or a comparable common or package sanitary facility approved by the Commonwealth of Pennsylvania, Department of Environmental Protection.

**Public Street:** Any road which is dedicated to and maintained by a governmental entity.

**Public Utility:** A business organization regulated by the PUC performing a public service.

**Public Water:** A municipal water supply system, or a comparable common water facilities approved by the Commonwealth of Pennsylvania, Department of Environmental Protection.

**Raptor:** Live migratory birds of the order Falconiformes or order Strigiformes, other than the Bald Eagle or Golden Eagle, wherever its place of origin, whether or not raised in captivity or a hybrid of those species.

**Recreation, Active:** Any leisure time activity, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

**Recreation, Passive:** An activity that requires little or no physical exertion on the part of the participant such as walking, sitting, picnicking and board games.

**Recreation Facility (Indoor):** A permanent structure containing facilities for activities including but not limited to tennis, platform games, swimming, exercise rooms, handball, bowling, and similar activities; carried out for entertainment purposes for both the participants and/or an audience.

**Recreation Facility (Outdoor):** A use of open land for leisure time activities, such as a beach, swimming pool, sports courts and sports fields, but not including golf courses, race tracks, riding stables or shooting ranges.

**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 used to transport recreational vehicles.

**Recycling Center:** A facility that processes, separates or classifies municipal waste and creates or recovers reusable materials that can be sold or reused.

**Research Facility/Laboratory:** A facility for the investigation and/or experimental study into the natural, physical and/or social sciences, which may include engineering, testing, analysis and product development.

**Residential Conservation Development (RCD):** A subdivision/land development utilizing a four step design process, as outlined in the SALDO, to determine the layout of Open Space Areas, Greenway Corridors, dwelling units, streets, stormwater BMPs and facilities, sanitary sewage disposal facilities and lot lines.

**Retail Sales:** Establishment engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods.

**Reverse subdivision:** The combination of two (2) or more lots into a single lot.

**Right-of-Way:** The right of one to pass over the property of another.

**Right-of-Way Line:** The line defining the edge of a street right-of-way and separating the street from abutting properties or lots.

**Right-of-Way, Street:** The area of property identified as necessary for the use and maintenance of a roadway, whether public or private.

**Roadway:** See Cartway

**Roadside Market:** An accessory use to a farm, where no less than fifty (50) percent of the products for sale are grown thereon.

**Roofline:** The highest point of a flat roof and mansard roof and the highest point of a pitched roof, excluding any cupolas, parapets, chimneys or other minor projections.

**Rooming House:** A single dwelling unit with no more than 5 guest rooms, where lodging is provided with or without meals for compensation.

**Salvage Yard/Junk Yard:** Land used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or inoperable vehicles and for the sale of parts thereof.

**SALDO:** The York Township Subdivision and Land Development Ordinance.

**School:** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

College/University: An educational institution authorized by the Commonwealth to award associate, baccalaureate, or higher degrees.

School, Commercial: A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing or riding.

**Screening:** The use of plant materials, fencing, walls and or earthen berms, or combinations thereof, of sufficient height and density to conceal the structures and/or uses on the premises from the view of adjoining property(ies), and/or to provide a sound buffer.

**Seasonal Sales:** A retail use in place for only a portion of the year.

**Seasonal Roadside Stand:** A temporary or moveable structure accessory to a farm or dwelling, at which agricultural products grown on site are offered for sale.

**Self-Service Storage Facility:** A building for the enclosed storage of household items or area(s) for the storage of recreational equipment where said items are retained for use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**Senior Congregate Living:** Apartment style housing for persons age 55 and over for independent living in separate apartments with limited assistance and opportunities for sharing activities and common areas with provisions for common meals in a common dining area and provision of on-site supportive services. All units must be handicap accessible or handicap adaptable and have amenities to support health and aging-in-place.

**Setback (Building Setback Line):** The line within a property defining the required minimum distance between any structure and the right of way or property line(s).

**Sewage Disposal System:** A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

**Sewage Enforcement Officer (SEO):** The Sewage Enforcement Officer of the Township.

**Shooting Range:** A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery, cross-bows, etc.) can be shot for recreation, competition, skill development and/or training.

**Shopping Center/Shopping Mall:** A group of commercial establishments planned and designed to function as a unit for the lot(s) on which it is located with off-street parking

provided as an integral part of the unit, including at least one (1) anchor store at least 10,000 square feet gross floor area.

**Sidewalk:** A paved walkway parallel to a cartway, and separated therefrom by a grass strip and/or a curb.

**Safe Stopping Sight Distance (SSSD):** The maximum measured distance along an intersecting street which a driver stopped at a street, access drive or driveway along that street can continuously see another vehicle approaching.

**Sign:** Any object, display or structure which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include:

1. Architectural features that may be identified with a particular business;
2. Backlit awnings that include no lettering, logos, or other symbols;
3. Signs within a building that are obviously intended to be seen primarily from within the building;
4. Outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes, vending machines;
5. Signs with regulations within a park;
6. Building identification or directional signs within a campus;
7. Flags of governments or government agencies;
8. Decorative seasonal and holiday banners on residential properties; and
9. Display of merchandise either behind store windows or outdoors.
10. Scoreboards located on athletic fields.

**Sign, Awning:** A sign that is mounted, painted or attached to an awning or other window or door canopy.

**Sign, Banner:** A sign of lightweight fabric or similar material that is mounted to a pole or building by a frame at one or more edges.

**Sign, Billboard:** A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Sign, Canopy:** A sign that is part of, or attached to a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outside service area. A marquee is not a canopy.

**Sign, Changeable-Copy:** A sign in which the message is changed manually.

**Sign, Directional:** An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit," "Parking," "One-Way," or similar information, indicate the availability of restrooms, telephone, or similar public convenience.

- Sign, Electronic:** A sign that uses changing lights or other media to form a sign message in which the sequence of messages and the rate of change is programmed and can be modified.
- Sign, Flashing:** A sign that uses an intermittent or flashing light source or windblown and/or mechanically moved reflective material to attract attention.
- Sign, Freestanding:** A sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
- Sign, Incidental:** A sign that advertises accessory services and/or products offered in conjunction with the primary use.
- Sign, Marquee:** A changeable copy sign located on or affixed to a canopy for a theater, cinema or similar place of entertainment.
- Sign, Political:** A temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.
- Sign, Portable:** A sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs such as sandwich boards, hand-held signs, balloons or umbrellas used for advertising purposes. Such sign, whether or not bolted to the ground, shall nonetheless be deemed to be a "portable sign."
- Sign, Projecting:** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from said building.
- Sign, Real Estate:** A temporary sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.
- Sign, Roof:** A sign that is mounted on a roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- Sign, Temporary:** A sign intended for short-term use.
- Sign, Vehicular:** Signs on parked vehicles visible from any street where the sign on the vehicle is to advertise a product or to direct people to a business or activity located on the same or other property. Vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.
- Sign, Wall:** Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.
- Sign, Window:** A temporary sign, which is oriented to the public right-of-way and is located on the inside or outside of a window.
- Site:** A parcel of land which is the subject of an application for development. A site may include more than one lot.
- Skilled Nursing Facility:** A facility in which nursing care and related medical or other health services are provided, for a period exceeding twenty-four (24) hours, for individuals who

are not relatives of the operator and not in need of hospitalization but because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

**Slope:** The face of an embankment or cut section; any ground whose surface makes an angle with the plain of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet over 100 feet of horizontal distance.

**Social/Fraternal Clubs or Organizations:** A recreational, civic, social, fraternal, religious, political or labor union association of persons who have meetings and routine socializing and recreation that are limited to members and their occasional guests, but do not include members of the general public. These uses are restricted to those not conducted primarily for gain, although a bar or restaurant may be operated to serve members and their guests.

**Solid Waste:** Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

**Solid Waste Disposal Facility:** A facility where garbage, trash or junk is disposed or processed. Meets all requirements of the Pennsylvania Department of Environmental Protection and possesses a permit from PA-DEP to operate such facility.

**Special Exception:** A use permitted in a particular zoning district pursuant to Article 6 and Section 265-1009 of the Zoning Ordinance.

**Sport Court:** An area for games such as tennis, basketball, and racquet ball, etc., which may be wholly or partly surrounded by fences and/or walls.

**Stable, Commercial:** A structure designed for the feeding, housing, and exercising of horses; for which the owner of the premises receives compensation.

**Shed:** An accessory structure not intended for residential occupancy intended for the storage of personal property.

**Solar Facility:** An apparatus that converts solar energy into either electricity or heat.

**Stack:** A vertical structure enclosing a flue(s) that carries the exhaust/smoke of combustion away from an Outdoor Wood-Fired Boiler Facility.

**Standing-Column Geothermal System:** An apparatus that circulates groundwater from a water well through a water-source heat pump and returns the discharge water to the same water well from where it was pumped.

**Storm Sewer:** A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

**Stormwater:** Runoff from precipitation, snow melt, surface runoff and drainage.

**Street:** A public or private way excluding driveways and access drives which affords the principal means of access to abutting properties intended to be used by vehicular traffic or pedestrians, including streets, avenues, roads, lanes, alleys, boulevards, highways and any other public or private right-of-way.

**Arterial:** A street that connects and distributes traffic to and from communities, employment centers and shopping areas, at higher speeds, with access control, channelized intersections and restricted parking.

**Collector:** A street that connects and distributes traffic between local and arterial streets and provides access to abutting properties and community facilities.

**Cul-de-sac:** A street with a single common ingress and egress and with a turnaround at the end, including self-looping streets.

**Local:** A street that provides frontage for access to abutting lots and carries slow speed traffic primarily having a destination or origin on the street itself.

**Lane/Alley:** A private street which affords only a secondary means of access to abutting properties and not intended for general traffic circulation.

**Strip Center:** A group of two (2) or more commercial establishments with off street parking provided on the property.

**Structure:** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Structure, Nonconforming:** A structure or part of a structure that does not comply with the applicable provisions in this Ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Structure, Temporary:** A structure not intended for permanent use.

**Subdivision:** The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease petition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Swimming Pool:** Any structure of solid materials, either below or above the surface of the ground, designed to hold water and used for the purpose of swimming, in which the depth of the water exceeds twenty-four (24) inches in depth.

**Temporary Use:** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period allowed.

**Terminal:** A freight trucking or passenger station that is central to an area and serves as a junction at any point with other lines.

**Theater:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**Townhome:** See *Dwelling, single-family attached*

**Township:** The Township of York, York County, Pennsylvania.



**Tract:** All contiguous land owned by the same landowner. Tracts separated by rights-of-way are considered to be contiguous.

**Turbine Height:** The distance measured from the surface of the tower foundation to the highest point of the turbine rotor blade plane. Where the Wind Energy Facility is mounted upon a structure or building other than a tower, the distance shall be measured from the surface of the ground at the foundation of the structure or building nearest to the Occupied Building, property line, public road right-of-way, or utility easement of concern.

**Urban Growth Boundary:** The border which separates areas that are appropriate for more urbanized uses and the extension of services and utilities, from areas intended for rural and resource uses.

**Use:** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**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.

**Variance:** The relief, authorized by the Zoning Hearing Board, for an adjustment to a regulation or provision of the Zoning Ordinance.

**Vehicle:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

**Vehicle, Commercial:** A motor vehicle that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).

**Vertical Self-Service Storage Facility:** A building no less than two stories for the enclosed storage of household items where the majority of units are entered from the inside of the building.

**Walkway:** A path designed for pedestrian travel.

**Water-Source Heat Pump:** An apparatus that uses a water-to-refrigerant heat exchanger to extract/expel energy from/to the heat source.

**Water Supply System:** Any public or private utility designed for the collection, treatment, storage, and distribution of potable water from the source of supply to two (2) or more consumers.

**Waters of this Commonwealth:** Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof; whether natural or artificial, within or on the boundaries of this Commonwealth.

**Wetlands:** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**Wind Energy System:** A device which converts wind energy to mechanical or electrical energy.

**Wind Facility:** An apparatus that converts wind energy into either electricity or mechanical power. One (1) or more Wind Turbines and accessory structures or buildings, usually including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**Wind Turbine:** An apparatus that converts energy from moving air into electricity; usually through components, including: a generator, a nacelle, a rotor and blades, a tower, a tower foundation, and a pad transformer.

**Yard:** An area between the principal structures and the property lines.

Yard, Front: An open space on the same lot as the building between the front line of the building and the street projected to the side lines of the lot. Each yard that abuts a street on a corner lot shall be considered a front yard.

Yard, Rear: An open space on the same lot as the building between the rear line of the building and rear lot line projected to the side lines of the lot.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line.

**YTSWMO:** York Township Stormwater Management Ordinance.

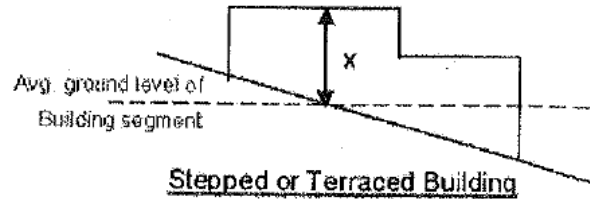
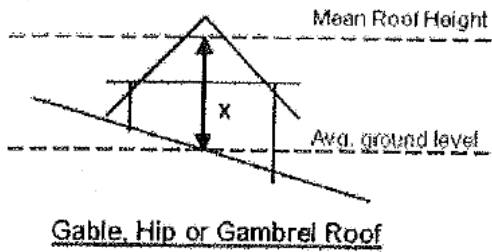
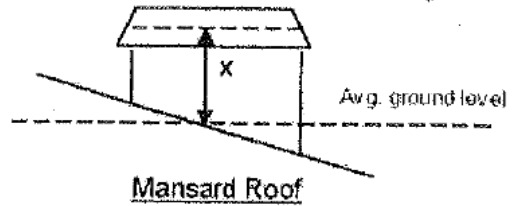
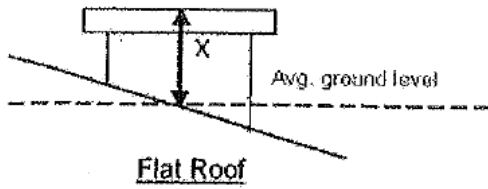
**Zoning Hearing Board:** The York Township Zoning Hearing Board.

**Zoning Officer:** The person designated to administer and enforce the zoning ordinance.

**Zoning Permit:** A written statement issued by the zoning officer, authorizing buildings, structures, or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

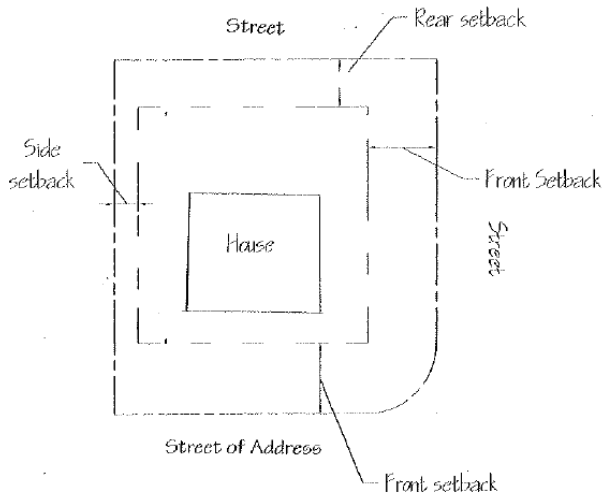
**ARTICLE 12  
APPENDIX**

**Building Height**

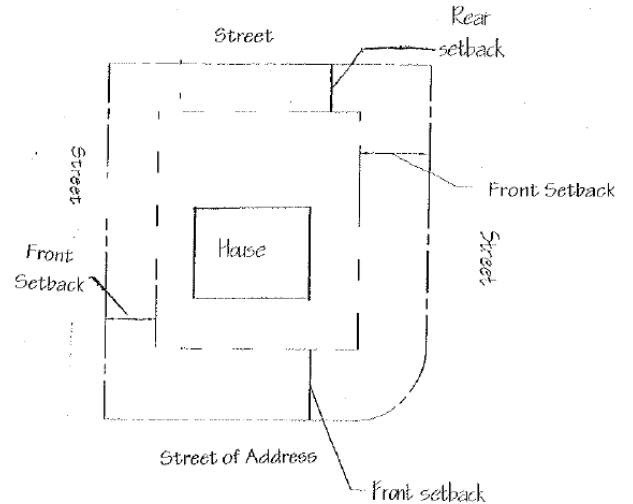


**Corner Lots**

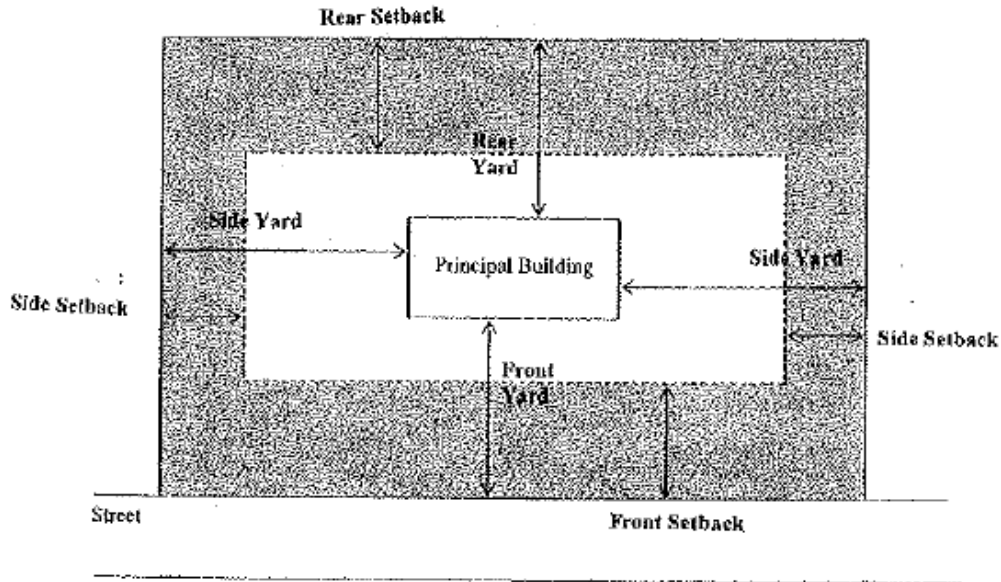
CORNER LOT SETBACKS  
FOR THREE STREETS



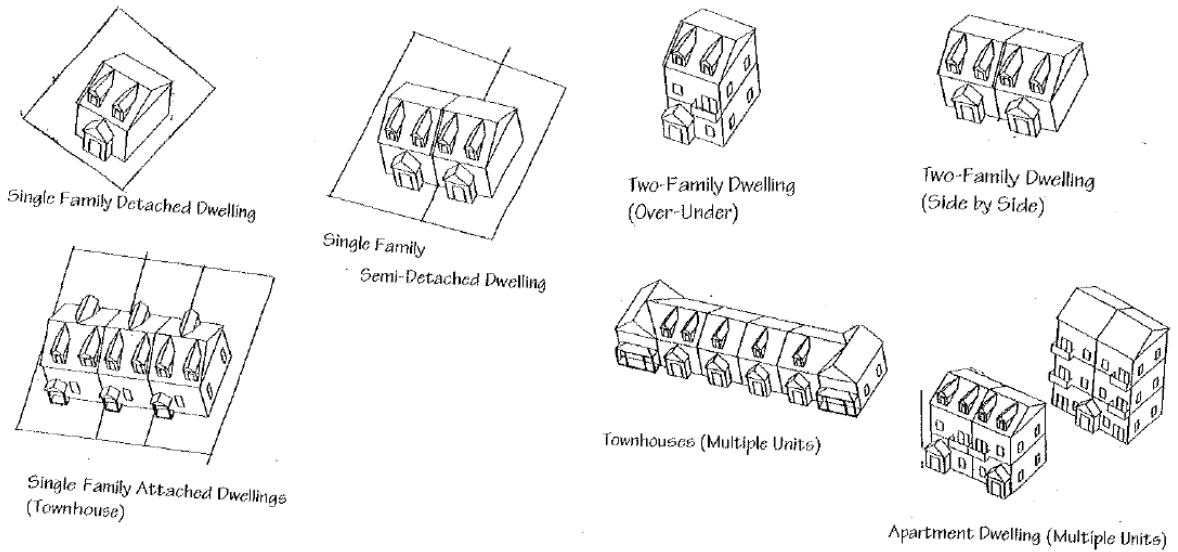
CORNER LOT SETBACKS  
FOR FOUR STREETS



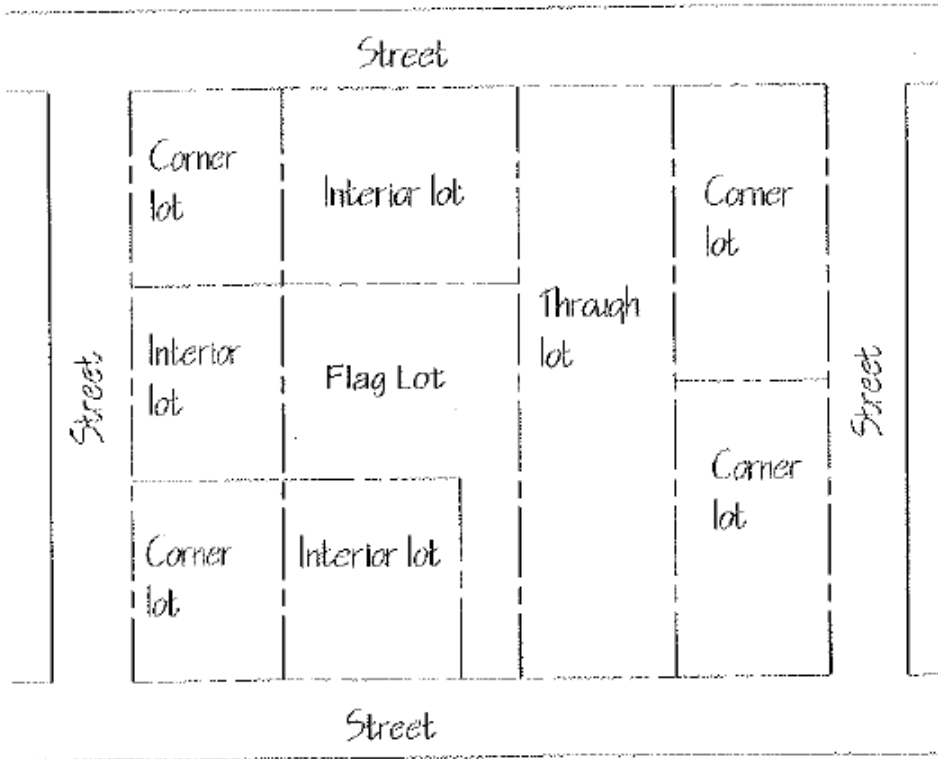
**Yard Area**



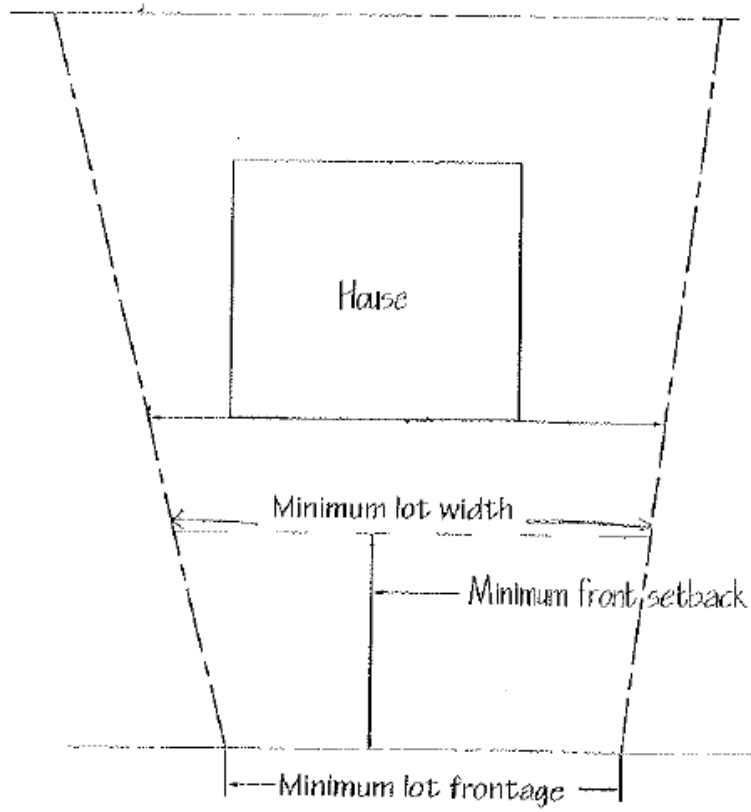
**Dwelling Types**



**Types of Lots**

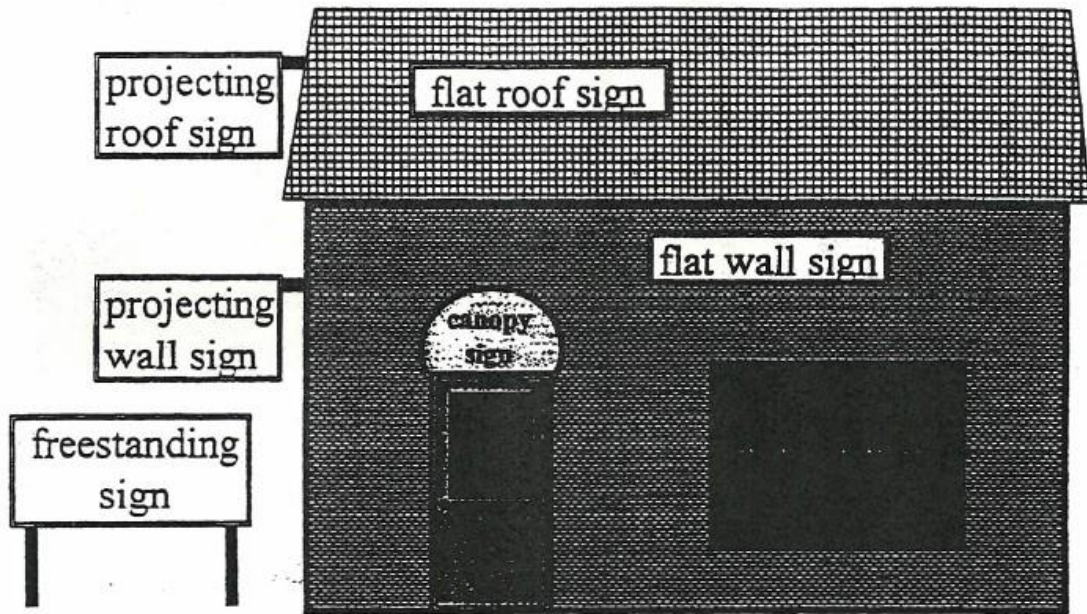


**Lot Width Requirements**

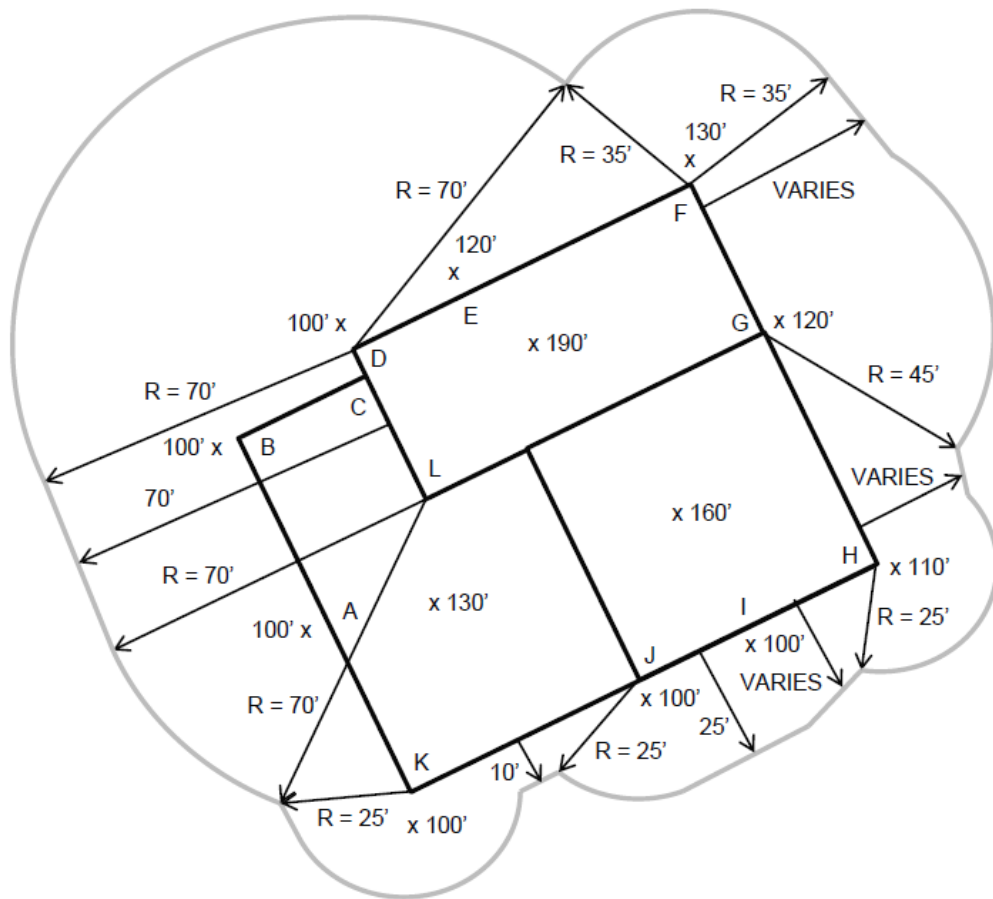
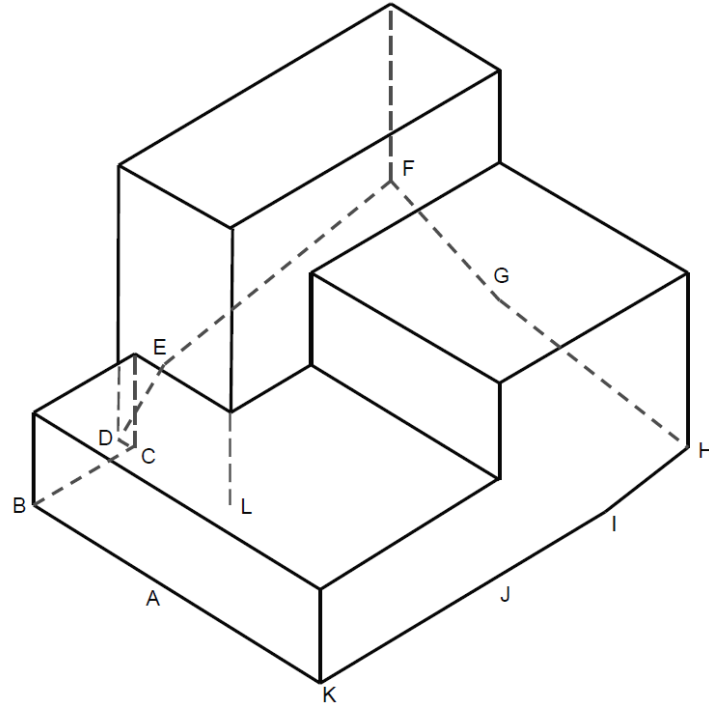


**Sign Types**

# SIGN TYPES DIAGRAM



## Setback Measurement Diagram and Table for Hotels per Section 265-642.A





*Article 12 – Appendix*

The following table is based upon a Hotel/Motel use in a Commercial Shopping (CS) District, including: minimum front setback = 25 feet, minimum side setback = 10 feet, minimum rear setback = 20 feet, and maximum principal building height = 45 feet.

<b>LOCATIONS</b>	<b>GROUND SURFACE ELEVATION (GSE, Feet)</b>	<b>BUILDING ROOF ELEVATION (BRE, Feet)</b>	<b>SETBACK TYPE (Front; Side &amp; Rear)</b>	<b>MINIMUM SETBACK DISTANCE (MSE, Feet)</b>	<b>ADDITIONAL SETBACK DISTANCE (ASD = (GSE+45)-BRE, Feet)</b>	<b>TOTAL SETBACK DISTANCE (MSE+ASD, Feet)</b>
A	100	130	Front	25	0	25
B	100	130	Front	25	0	25
B	100	130	Side	10	0	10
C	100	190	Front	25	45	70
C	100	190	Side	10	45	55
D	120	190	Side	10	25	35
E	130	190	Side	10	15	25
E	130	190	Rear	20	15	35
F	120	190	Rear	20	25	45
F	120	160	Rear	20	15	35
G	110	160	Rear	20	5	25
G	110	160	Side	10	5	15
H	100	160	Side	10	15	25
I	100	160	Side	10	15	25
I	100	130	Side	10	0	10
J	100	130	Side	10	0	10
J	100	130	Front	25	0	25
K	100	190	Front	25	45	70