

CODIFIED ORDINANCES OF YORK

PART THIRTEEN-PLANNING AND ZONING CODE

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**ARTICLE 1301
SHORT TITLE, PURPOSE**

1301.01	Short Title
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CROSS REFERENCES

Zoning Purpose - see Act 247 Sec. 604 (53 P.S. Sec. 10604)
Statement of Objectives - see Act 247 Sec. 606 (53 P.S. Sec. 10606)

1301.01 SHORT TITLE

This Zoning Ordinance shall be known and may be cited as the "City of York Zoning Ordinance of 1995".

1301.02 GENERAL PURPOSE

The zoning regulations and districts set forth herein have been made in accordance with the City's community development goals and objectives and are designed to:

- a) **Health, Safety, Welfare** Promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements;
- b) **Quality of Life** Prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic and other dangers; and
- c) **Development** Facilitate the appropriate development and redevelopment of the City, protect the tax base and encourage economy in public expenditures.

1301.03 COMMUNITY DEVELOPMENT OBJECTIVES

Comprehensive Plan The Zoning Ordinance provides the legal basis and framework for future City development and redevelopment. Its provisions are guided by the policies and proposals within the City of York Strategic Comprehensive Plan 2015, as may be amended, and is summarized below:

- a) **Land Use** Promote development of land uses in locations as designated in the Future Land Use Map 2015 and as amended by neighborhood planning activities;
- b) **Built Environment** Enhance corridors and parking facilities; citywide greenway and open space systems; and the entrances to the city and Downtown.
- c) **Circulation and Accessibility** Advance a balanced, multi-modal transportation network that safely and efficiently moves people, goods and services throughout the city and provides effective linkages with the region.
- d) **Culture and Tourism** Improve culture and heritage development and promotion by unifying development to visually and physically link facilities and resources
- e) **Neighborhood Enhancement** Improve the quality of life of neighborhood residents and businesses by providing access to affordable and sound housing and providing employment centers.
- f) **Recreation Facilities and Services** Furnish recreational facilities and services for city residents and provide quality regional recreational facilities.
- g) **Utility** Provide adequate public facilities and infrastructure in a holistic, coordinated approach.

Updated 6/8/2000

- h) **Downtown** Maintain the economic vitality of Downtown, enhance aesthetic and visual appeal, mix residential and commercial uses and promote local and regional markets.
- i) **Rail Corridor** Maximize the corridor's development potential by encouraging consolidation and reclamation of properties, improving the overall safety and appearance of the corridor and improving traffic circulation and accessibility. (Revised June 6, 2000 Bill 8 Ordinance 8)

1301.04 Fair Housing Amendments Act Information Statement

The City of York recognizes its obligations pursuant to the Fair Housing Amendments Act ('Act'). In accordance with the Act, the City of York does not discriminate against people with disabilities. The City shall change, waive, or make exceptions in its zoning rules to afford people with disabilities the same opportunity to housing as those who are without disabilities. Individuals seeking a reasonable accommodation under the Act should contact the City's Zoning Officer. This statement should not be considered as a comprehensive explanation of the applicant's rights under the Act. (Revised June 6, 2000 Bill 8 Ordinance 8)

**ARTICLE 1302
DEFINITIONS**

CROSS REFERENCES

State Definitions - see Act 247 Sec. 107 (53 P.S. Sec. 10107)
Subdivision and Land Development Definitions - see P82 Article 1332
Planned Residential Development Definitions - see P82 Article 1352
Storm Water Management & Erosion and Sedimentation Control Definitions - see P82 Article 1372

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1302.01 DEFINITIONS; INTERPRETATION AND SPECIFIC MEANINGS

- a) **WORD USAGE** Words and phrases shall be presumed to be in their ordinary context unless such word(s) or phrase(s) is defined or interpreted differently within this section.

- b) **LANGUAGE INTERPRETATIONS** In this Zoning Ordinance, when inconsistent with the context:
 - 1) Words in the present tense also imply the future tense;
 - 2) The singular includes the plural;
 - 3) The male gender includes the female gender;
 - 4) The word "person" includes a partnership or corporation as well as an individual; and
 - 5) The term "shall" or "must" is always mandatory.

- c) **SPECIFIC WORDS AND PHRASES** The following words and phrases defined in this article shall have the particular meaning assigned by this article in the appropriate sections of this Zoning Ordinance.

1302.02 ABANDONED VEHICLES

- a) **ABANDONED VEHICLES** A vehicle shall be presumed abandoned under any of the following circumstances:
 - 1) The vehicle is physically inoperable and/or is missing parts so that it is not maintained for driving, and
 - 2) The vehicle does not bear any or all of the following:
 - A. A valid registration plate, or
 - B. A current certificate of inspection.

Vehicles with a Commonwealth Certificate of Salvage and that are stored at a salvor or salvage program awaiting to be destroyed, dismantled, salvaged or recycled shall not be included in this definition.

- b) **SALVOR OR SALVAGE PROGRAM** Activities of an established place of business in the trade of buying, selling or exchanging used, wrecked or abandoned vehicles with a Commonwealth Certificate of Salvage or for which an application has been made and other industrial recyclable materials for the purpose of being destroyed, dismantled, salvaged or recycled.

1302.03 ADULT CARE

- a) **ADULT CARE HOME** A portion of a dwelling, other than the client's residence, in which services are provided or arranged to assist in meeting the needs, including personal care, social, nutritional, health and educational needs for part of a twenty-four (24) hour day. Care is provided for up to 6 persons unrelated to the operator. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

- b) **ADULT CARE FACILITY** A building, or portion of a building, other than the client's residence, in which services are provided or arranged to assist in meeting the needs, including personal care, social, nutritional, health and educational needs for part of a twenty-four (24) hour day. Care is provided for more than 6 persons unrelated to the operator. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

1302.04 ADULT ENTERTAINMENT

- a) **ADULT ENTERTAINMENT FACILITY** An establishment open to the general public, excepting minors under the age of eighteen, including, but not limited to, an adult bookstore, adult theater and any other facility whose purpose is to provide adult entertainment.
- b) **ADULT BOOKSTORE** An establishment open to the general public, excepting minors under the age of eighteen, in which 20% or more of the occupied sales or display area offers for sale, rent or lease, loan, or view upon the premises pictures, photographs, drawings, sculptures, motion picture films, similar visual representations of sexual conduct or sexual excitement, books, pamphlets, magazines, printed matter, sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement, or devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.
- c) **ADULT THEATER** An establishment open to the general public, excepting minors under the age of eighteen, in which there is offered for view motion picture films, commonly referred to as "X-rated movies" or the equivalent thereof, nude dancing or similar visual representation of sexual conducts or excitement.
- d) **ADULT MASSAGE PARLOR/ ADULT MASSAGE STUDIO** An establishment open to the general public, excepting minors under the age of eighteen, in which any person or association, engages in, carries on, or permits to be engaged in or carried on, the practice of massage. Massage refers to any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with the aid of any mechanical or electrical apparatus, with or without such supplementing aids as rubbing alcohol, liniments or other similar preparations commonly used in this practice. Excluded from the definition of an adult massage parlor/studio is the practice of massage by licensed hospitals, licensed nursing homes, medical clinics and the offices and quarters of licensed health profession practitioners or a certified massage practitioner. Other excluded facilities include an athletic club, health club, school, gym or similar establishment where massage is offered as an incidental and accessory medical or therapeutic massage practitioner service.

1302.05 AGENT

Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated City Official for the purpose of obtaining approval thereof.

1302.06 ALLEY

A permanent public or private serviceway providing a secondary means of access to lots.

1302.07 ALTERATION

As applied to a building or structure. A change or re-arrangement in the structural parts or exit facilities, an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another within the structure.

1302.08 ANIMAL UNIT

The maximum number of animals allowed at a dwelling unit or building that will meet the minimum nuisance standards of Article 705, Animal and Fowl, of the City of York Codified Ordinances.

1302.09 APPLICANT

Any landowner, developer, leaseholder or his authorized agent, including his heirs, successors and assigns, who submit plans, data and/or applications to the Zoning Officer or other designated City Official for the purpose of obtaining approval thereof.

1302.10 APPLICATION FOR DEVELOPMENT

Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, of a subdivision plat or plan or for the approval of a development plan.

1302.11 AUTHORITY

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 392, No. 164), known as the "Municipality Authorities Act of 1945".

1302.12 AREA

- a) **LOT AREA** The area contained within the property lines of an individual parcel of land excluding any area within a street right-of-way, but including the area of any easement or future street right of way.
- b) **BUILDING AREA** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings.
- c) **FLOOR AREA** The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Zoning Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment.
- d) **FLOOR AREA RATIO** The maximum amount of floor area based upon the number of floors divided by the net site area.
- e) **HABITABLE FLOOR AREA** A room or enclosed floor space to be used for living, sleeping, cooking or eating purposes excluding bathrooms, toilet compartments, laundries, foyers, closets, pantries, utility spaces, stairways, basement recreation rooms and storage spaces. The minimum habitable floor area shall be 400 square feet or 200 square feet per person whichever is greater.
- f) **NET SITE AREA** The total area of a proposed development excluding unusable land regardless of interior easements. The area remaining after unusable land is subtracted from the gross site area.
- g) **OPEN AREA** That portion of a lot remaining in natural ground cover. Building area and impervious surfaces shall not be considered part of the open area.
- h) **SITE AREA** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets or easements.

1302.13 BASEMENT

A portion of a building partly underground, but having less than half its clear height, as measured from floor to ceiling, below grade. A basement shall be counted as a story for the purpose of height measurement and determining floor area.

1302.14 BED AND BREAKFAST

An owner occupied dwelling where sleeping units are rented to overnight guests on a nightly basis. Dining and other facilities shall not be open to the public, but shall be exclusively available to registered guests and their visitors. Rooms shall not have separate utilities or provisions for cooking. (Updated Nov 2004, Bill No. 42 Ordinance 37)

1302.15 BOARD

The York City Zoning Hearing Board.

Updated 11/29/04

1302.17 BREWERY PUB

A facility where malt or brewed beverages are manufactured on-site. The mini-brewery may sell, transport and deliver malt beverages to various off-site locations; however, the majority of the manufactured malt or brewed beverage products are sold and consumed on-premises. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

1302.18 BRING-YOUR-OWN-BOTTLE-CLUB (B.Y.O.B.) An establishment primarily offering sit-down counter or table services with entertainment and/or serving of food prepared on the premises for on-premises consumption, which also allows customers and patrons to bring beer, wine, or other alcoholic beverages or malts for on-premises consumption which are purchased or obtained off the premises.

1302.19 BUFFERING

Open area as defined in Section 1302.12, Area, but whose dimension normally exceeds the normal building setback or yard requirement.

1302.20 BUILDING

- a) **BUILDING** A structure having a roof that is used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.
- b) **ACCESSORY BUILDING** A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building including, but not limited to, private garages, carports, utility buildings, tool sheds and noncommercial greenhouses. Any portion of a principal building devoted, or intended to be devoted, to an accessory use is not an accessory building.
- c) **ATTACHED BUILDING** A building which has two or more party walls in common with adjacent buildings.
- d) **PRINCIPAL BUILDING** A building on a lot where the principal use of the lot is conducted. In any residential district any structure containing a dwelling unit shall be deemed to be the principal building on the lot on which such building is situated.
- e) **BUILDING COVERAGE** Percentage of the plot or lot area covered by the building area.
- f) **BUILDING HEIGHT** A vertical distance measured from the mean elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.
- g) **BUILDING SETBACK LINE** or **BUILDING LINE** A line within and across a lot defining the required minimum yard between any structure and any adjacent street line.
- h) **DETACHED BUILDING** A building which has no party wall.
- i) **SEMI-DETACHED BUILDING** A building which has only one (1) party wall in common with an adjacent building.
- j) **STORY** That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75% or more of its wall area above grade level.
- k) **HALF-STORY** A story under a gable, hip or gambrel roof, the wall plate of which on at least two opposite Exterior walls is not more than two (2) feet above such story.

1302.21 BUILDING PERMIT

Any permit required by this Zoning Ordinance or the Building Code for the construction, grading, alteration, razing or change of use of any structure.

1302.22 BULK PLANT

That portion of a property where flammable or combustible liquids are received by pipe line, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by pipe line, tank car, tank vehicle or container.

1302.23 BUSINESS SERVICE ESTABLISHMENT

An establishment whose business is to provide office and business services. The services are provided on-site or preparation of goods is conducted on-site for use at a different location. Those activities limited to: the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines or frozen food lockers; the painting, repair and assembly of signs; printing, copy and photo stating services; arts, crafts, drafting and stationery supplies; food catering; interior decorating; taxidermy; upholstering; and laundry and dry cleaning plants. Uses which shall not be interpreted to be business service establishments are: retail shops and stores; gasoline and motor vehicle service stations; vehicular sales, service and repair; mortuaries; warehouses and distribution facilities; and contractor's offices.

1302.24 CARTWAY

The improved surface of a street or alley available for vehicular traffic or the area between curbs.

1302.25 CELLAR

A portion of a building partly underground having half or more than half of its clear height, as measured from floor to ceiling, below grade. A cellar shall not be considered in determining the permissible number of stories or determining floor area nor shall it be used for dwelling purposes.

1302.26 CITY ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer of the City of York as recommended by the Planning Commission and currently adopted by Council.

1302.27 CLUB

An organization catering exclusively to members and their guests including premises and/or buildings for social, recreation, and administrative purposes that are not conducted for profit providing also that vending stands, merchandising or commercial activities are not conducted except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, social and athletic clubs.

1302.28 CHILD CARE FACILITIES

- a) **CHILD CARE HOME** A dwelling other than the child's own residence, operated for profit or not-for-profit, in which child care is provided at any one time by one (1) provider to four, five or six children unrelated to the operator. The home must be registered by the Commonwealth and conducted in accordance with Commonwealth requirements.
- b) **CHILD CARE CENTER** A building in which child care is provided at any one time for seven (7) or more children unrelated to the operator. The childcare program must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

1302.29 COMPREHENSIVE PLAN

The complete plan for the continuing development and redevelopment of the City of York as recommended by the Planning Commission and currently adopted by Council.

1302.30 COMMUNICATION TRANSMITTING AND RECEIVING FACILITY

- a) **COMMERCIAL COMMUNICATION TRANSMITTING AND RECEIVING FACILITY** Includes utility stations, radio towers and transmitting stations, electric substations, pumping stations, automatic telephone exchanges, cellular telephone towers, micro-relay stations, satellite discs and the like. Excluded from this definition are antennas, radio receivers, etc. for personal use.
- b) **PERSONAL COMMUNICATION TRANSMITTING AND RECEIVING FACILITY** Antennas, radio receiving structures, microwave antennas for satellite communication (commonly referred to as a satellite dish), or other similar facilities used to transmit and receive electromagnetic waves for personal use, such as a television or ham radio.

1302.31 CONDITIONAL USE

A use which the City Council is permitted to authorize in specific instances listed in the ordinance, under the terms, procedures and conditions prescribed herein.

1302.32 CONDOMINIUM

An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property together with a separate interest in space in a residential, commercial or industrial building on such real estate.

1302.33 CONVERSION APARTMENT; MULTI-FAMILY DWELLING UNITS

Any existing multi-family dwelling with two or more units that will be converted so to increase the number of dwelling units provided within the dwelling at the time of conversion.

1302.34 CONVERSION; COMMERCIAL, INDUSTRIAL & INSTITUTIONAL BUILDINGS

Any commercial, industrial or institutional building converted for the purpose of changing the original use to an alternative use that may or may not be allowed in the district in which it is located.

1302.35 CONVERSION; SINGLE-FAMILY DWELLING

Any single-family dwelling, which was originally built or later altered to house one (1) family, converted to two or more dwelling units for occupancy by two or more families. The conversion of a single-family dwelling is both a process and a use.

1302.36 COURTS

- a) **COURT** An open, uncovered occupied space partially or wholly surrounded by the walls of a structure.
- b) **ENCLOSED OR INNER COURT** A court surrounded on all sides by the exterior walls of a structure or by such walls and an interior lot line.
- c) **OUTER COURT** A court having at least one side thereof opening on to a street, alley, yard or other permanent open space.

1302.37 CREMATORIUM

A facility licensed by the Department of Environmental Protection and equipped with a furnace for the purpose of reducing the deceased to ashes by heat.

1302.38 CULTURAL FACILITY

Art gallery, auditorium, library, museum, community center, adult education center or other similar facility open to the public or connected with a permitted educational, philanthropic or religious use.

1302.39 COUNTY

York County, Pennsylvania.

1302.40 DECISION

Final adjudication of the Zoning Hearing Board or City Council under the City's Zoning Ordinance or the State Municipalities Planning Code either by reason of the grant of exclusive jurisdiction or by reason of appeal from determinations. All decisions shall be appealable to the Court of Common Pleas of York County and judicial district.

1302.41 DETERMINATION

Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- 1) City Council; or
- 2) the Zoning Hearing Board.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

1302.42 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 a land development.

1302.43 DISTRICT

A district as identified on the Zoning Map along with the regulations pertaining thereto.

1302.44 DORMITORY

A building arranged or used for lodging by individuals associated with a parent institutional use providing educational training or services.

1302.45 DOMICILIARY CARE HOME A single-family dwelling in which a supervised living arrangement in a homelike setting for a period exceeding 24 consecutive hours is provided to no more than 3 clients who are not relatives of the operator and who need supervised, protective living arrangements. The home must be licensed by the York County Area Agency on Aging and conducted in accordance with Commonwealth regulations.

1302.46 DRIVEWAY

A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

1302.47 DWELLING

- a) **DWELLING** A building or portion thereof that provides living facilities for one (1) or more families. All dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.
- b) **DWELLING, DUPLEX** Two dwelling units arranged in a side by side configuration and where both units are situated on one (1) lot. For the purposes of this ordinance, a Duplex Dwelling shall be regulated as a Multiple-Family Dwelling.
- c) **DWELLING, SINGLE- FAMILY DETACHED** A freestanding building with no party walls containing one (1) dwelling unit for one (1) family, and having two (2) side yards, one (1) front yard and one (1) rear yard; in the case of a corner lot, the building will have two (2) front yards, one (1) side yard and one (1) rear yard.
- d) **DWELLING, SINGLE-FAMILY ATTACHED** A freestanding building containing more than one (1) dwelling unit arranged in a side by side or vertical configuration with one (1) or more common party walls. Each dwelling unit is on a separate lot.

- e) **DWELLING, MULTIPLE-FAMILY** A freestanding building or portion thereof containing more than one (1) dwelling unit arranged in a over-and-under or horizontal configuration. All units are located on the same lot.
- f) **DWELLING UNIT** One (1) or more rooms within a dwelling used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
- g) **APARTMENT** A portion of a mixed-use building that is a self-contained dwelling unit having direct access to the outdoors or to a hall from which there is direct access to the outdoors.
- h) **EFFICIENCY UNIT** One (1) individual room containing facilities used, or intended to be used, for living, sleeping, cooking, and eating facilities. The habitable floor area is not less than 400 square feet.

1302.48 EATING ESTABLISHMENTS

An establishment inspected and licensed by the City of York Bureau of Health where refreshments or meals may be obtained by the public. This definition also applies to those restaurants and taverns which dispense alcoholic beverages, if such restaurants or taverns meet the criteria established by the Pennsylvania Liquor Control Board as to Sunday sales, that is, if at least 60% of their income is derived by food sales.

- a) **QUICK SERVICE EATING ESTABLISHMENT** A public eating place primarily offering stand-up counter, vending machine, window or in-car service and offering packaged prepared or standardized food for either on or off-premises consumption.
- b) **SIT DOWN EATING ESTABLISHMENT** A public eating place offering primarily sit-down counter or table service and custom foods prepared on-site for on-premises consumption.
 - 1) Restaurants with Bring-Your-Own-Bottle (B.Y.O.B.) activities which allow customers and patrons to bring beer, wine, or other alcoholic beverages or malts for on-premises consumption which are obtained off the premises.
- c) **BANQUET HALL EATING ESTABLISHMENT** A public eating place for rent to various individuals and groups, offering either custom foods prepared on-site or offering prepared and standardized food for on-premises consumption.
- d) **ALCOHOLIC BEVERAGES** Any and all beverages, including malt beverages, which contain alcohol or other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 P.S. Section 1-101 (et seq.).
- e) **NIGHTCLUB** A use which is a place of amusement similar to such uses as a bar, cocktail lounge or restaurant in the serving of food or drink, but distinguished from such uses by the provision of live entertainment and/or dancing facilities. Nightclubs include, but are not limited to, bars with live entertainment and discotheques. This use is not to be confused with adult entertainment facilities.
- f) **TAVERN** An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

1302.49 EMERGENCY SHELTER

A building or dwelling owned and/or operated by a non-profit business entity that provides emergency services and shelter to clients.

1302.50 FAMILY

- a) One or more persons related by blood, marriage, legal guardianship, licensed or court appointed foster care, or legal adoption including any domestic servants or gratuitous guests thereof who maintain one common household and reside in one dwelling unit; or
- b) No more than 2 persons, who are not related to each other by blood, marriage, legal guardianship, licensed or court appointed foster care, or legal adoption, in addition to any respective minor children, domestic servants or gratuitous guests thereof, residing in one dwelling unit and living and cooking together as a single housekeeping unit. A roomer, boarder, or lodger is not considered a family member.

(Updated Nov 2004 Bill No. 43 Ordinance 38)

1302.51 FENCES

- a) **FENCE** Any structure constructed of wood, metal, wire mesh or masonry erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Zoning Ordinance, a masonry wall can be considered a fence.
- b) **SPITE FENCE** Any fence or wall erected for the purpose of cutting off the light or air of any adjoining property, or erected of unsightly materials for the purpose of annoyance or harassment or erected to a height above that necessary for proper and ordinary security or enclosure. Spite fences are prohibited.

1302.52 FLOOD

- a) **FLOOD** The temporary condition of partial or complete inundation of normally dry land areas from overflow of inland waters or from the unusual and rapid accumulation or runoff of surface waters from any source.
- b) **100 YEAR FLOOD** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Editor's Note: Additional definitions related to floodplain areas are located in Section 1303.21(f), Specific Definitions, and Section 1303.21(g), Description of Floodplain Areas.

1302.53 GRADE

- a) **Determining** For determining grade, all walls approximately parallel to and not more than 15 feet from a street line are to be considered as adjoining a street.
- b) **Buildings Adjoining One Street** For buildings adjoining one (1) street only, grade is the elevation of the established curb at the center of the wall adjoining the street.
- c) **Buildings Adjoining More Than One Street** For buildings adjoining more than one (1) street, grade is the average of the elevations of the established curbs at the centers of all walls adjoining streets.
- d) **Buildings Having Adjoining Street Wall** For buildings having no wall adjoining the street, grade is the average level of the ground adjacent to the exterior walls of the buildings.

1302.54 GARAGE

- a) **COMMUNITY GARAGE** An enclosed building or group of enclosed buildings, one (1) story in height, used exclusively for the storage of motor vehicles for compensation.

Updated 11/29/04

- b) **PRIVATE GARAGE** An enclosed accessory building or an accessory portion of a main building designed or used only for the shelter or storage of vehicles owned or operated by the occupant of the main building.

1302.55 GROUP HOME

- a) **GROUP HOME** A dwelling designed and used as a residence for more than 2 and less than 12 unrelated persons. The facility must be directly associated with a parent institution which provides for the overall administration of the residents who are required to reside on-premises to benefit from services. Such administration is through the direction of paid professional staff and for the supervision of residents by full time resident staff. Group homes shall exclude the following: bed & breakfast, personal care facility, dormitories, domiciliary care homes, boarding and rooming home. (Updated Nov 2004, Bill No. 43 Ordinance 38)

1302.56 HELISTOP

An area on a roof or on the ground used by helicopters or steep gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fuel service, maintenance or overhaul.

1302.57 HOME OCCUPATION

An accessory use for gainful employment, as specified in Section 1305.20(b). Home Occupations are located in a portion of a dwelling unit. The accessory use is clearly incidental and subordinate to the residential use of the dwelling unit or accessory structure, and is created and operated as a sole proprietorship.

1302.58 HOME OFFICE An office established by the resident in a dwelling unit for purposes of conducting telecommunications (telephone, fax, etc.), computer work, clerical work, typing, keeping of files, sales and service over the phone, and other similar type activities. Excluded from this definition are home occupations and professional or business offices.

1302.59 HORTICULTURE

The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit.

1302.60 HOSPITAL

Any institution licensed by the Commonwealth of Pennsylvania as a "hospital," which receives inpatients and outpatients and renders medical, surgical or obstetrical care 24 hours per day. Hospital shall also include nursing facility, including facilities for mental patients, epileptics, alcoholics, senile psychotics or drug addicts that are cared for or treated. Accessory medical uses such as eating establishments, mortuaries and retail uses may be provided on site.

1302.61 HOTEL OR MOTEL

- a) **HOTEL/MOTEL** A building or group of buildings designed primarily to offer transient lodging accommodations on a daily rate while providing 24 hour service for receiving and assisting the general public tenants. The building may provide additional services, such as restaurants, meeting rooms and recreational facilities.
- b) **HOTEL APARTMENT/ EFFICIENCY** A building or a portion of a hotel or motel designed for occupancy primarily as a temporary abiding place of individuals or families who are lodged with or without meals on a weekly or monthly rate. Hotel services, such as maid, telephone and postal services, are provided. Common dining facilities may or may not be provided.
- c) **LODGING FACILITY** A hotel/motel or rooming house or other facility offering lodging accommodations. (Revised June 19, 2001 Bill 4 Ordinance 4)

1302.62 IMPERVIOUS SURFACE

Those surfaces that do not absorb precipitation. Parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete or asphalt shall be considered impervious surfaces. In addition, other areas determined by the City Engineer to be impervious shall also be classified as impervious surfaces. All buildings, principal and accessory, are specifically excluded from this definition.

1302.63 JUNK

Metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, abandoned vehicles and parts thereof abandoned and/or stockpiled on a lot or part of a lot. This definition excludes stockpiling of recyclable materials defined under Section 1302.101, Scrapyard.

1302.64 JUNKYARD

The use of more than 400 square feet of any lot, or the use of any portion of the front yard, for the storage, keeping or abandonment of junk. Stockpiles of material associated with a recycling facility are excluded.

1302.65 KENNEL OR STABLE

An accessory building or structure for keeping, boarding or training for small domestic animals, including, but not limited to, dog and cat kennels.

1302.66 LANDOWNER

- a) **Legal, Beneficial Owner** 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;
- b) **Leaseholder** A leaseholder who is authorized under the lease to exercise the rights of the landowner; or
- c) **Proprietary Interest** Other persons having a proprietary interest in land shall be deemed to be a landowner for the purposes of this Zoning Ordinance.

1302.67 LAND DEVELOPMENT

- a) **Improvement** The improvement of one (1) lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) **Buildings** A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2) **Division, Allocation** 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; and
- b) **Subdivision** A subdivision of land; and

Updated 6/19/2001

- c) **Exemptions** Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code (Act 247, as amended by ACT 170 of 1988 as amended).
- 1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - 2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. The 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.

1302.68 LANDSCAPING

A natural planting which includes, but is not limited to, grass and other plantings such as trees, shrubs and bushes.

1302.69 LOADING

- a) **LOADING BERTH** A loading space that has a platform or dock raised to the height of a truck bed. Loading activity occurs inside the building or on the loading dock.
- b) **LOADING SPACE** A space accessible from a street or way, in a building or on a lot, for the temporary use of delivery vehicles while loading or unloading merchandise or materials. Loading activity occurs at ground level.

1302.70 LOT

- a) **LOT** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, built upon or transferred as a unit.
- b) **LOT AREA** See the definition for "AREA", Section 1302.12(a).
- c) **LOT OF RECORD** A lot that has been recorded in the Office of the Recorder of Deeds of York County, Pennsylvania.
- d) **DOUBLE FRONTAGE LOT** A lot that extends from one street to another with frontage on both streets.
- e) **CORNER LOT** A lot with two adjacent sides abutting on streets or other public places which has an interior angle of less than 135 degrees at the intersection of the two street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- f) **LOT DEPTH** The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.
- g) **LOT WIDTH** The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, the distance measured between such lot line and the opposite lot line.
- h) **REVERSE FRONTAGE LOT** A double frontage lot located along an arterial or collector street and a local street with vehicular access solely from the latter.

1302.71 LOT LINES

- a) **LOT LINE** A line dividing one lot from another or from a street or any public place.
- b) **REAR LOT LINE** Any lot line that is parallel to, or within forty-five degrees of being parallel, to a street line except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot furthest from the street line shall be at least twice the normally required rear yard. In the case of a double frontage lot, a street line of the secondary access street will be defined as the rear lot line.
- c) **SIDE LOT LINE** Any lot line that is not a street line or a rear lot line.
- d) **STREET LINE** See the definition for "**STREET**", Section 1302.107.

1302.72 MANUFACTURING

The treatment or processing of raw materials, or the production of products from raw or prepared materials by giving them new forms or qualities.

- a) **HEAVY MANUFACTURING** All those manufacturing, wholesaling and industrial activities whose basic operations exceed the maximum performance standards for Commercial and Light Industrial Districts but do not exceed the standards identified in Article 1308, Environmental Standards, for Heavy Industrial Districts. In general, noise, vibrations, heat and glare generated from the use will impact surrounding properties.
- b) **LIGHT MANUFACTURING** All those manufacturing, wholesaling and warehousing activities where the basic operation of these facilities will be in compliance with the environmental standards of Article, 1308 Environmental Standards, concerning Commercial and Light Industrial districts. In general, noise, vibrations, heat and glare generated from the use shall be undetectable or barely detectable at the property line.

1302.73 MEDICAL CARE BUILDING, CLINIC OR FACILITY

A building or group of buildings established where patients are accepted for special study, treatment and related services by a group of medical practitioners for the purpose of providing health services to persons on an outpatient basis. This definition includes lab facilities, specialized clinics, plasma donation centers and other blood establishments. (Revised June 6, 2000 Bill 8 Ordinance 8)

- a) **MEDICAL RESEARCH FACILITY** A facility where chemical, biological, medical, or other scientific research or experimentation is performed, including research involving human or animal subjects. (Revised June 19, 2001 Bill 4 Ordinance 4)

1302.74 MOBILE HOME

A transportable, single-family dwelling intended for permanent occupancy contained in one, two or more units designed to be joined into one integral unit capable of again being 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 with or without a permanent foundation.

- a) **MOBILE HOME LOT** A parcel of land in a mobile home park improved with necessary utility connections and other appurtenances necessary for the placement thereon of a single mobile home.
- b) **MOBILE HOME PARK** A parcel or contiguous parcels of land which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more *mobile home lots*. Mobile home lots may be smaller than minimum lot sizes.
- c) **MOBILE HOME STAND** Part of an individual mobile home space that has been reserved for the placement of a mobile home and appurtenant structures and connections.

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1302.75 MORTUARY OR FUNERAL HOME

A building in which one (1) or more parlors or rooms are maintained for the temporary resting place of the deceased pending final disposition thereof. Such building may include the following: Space and facilities for the preparation of such bodies for burial; a chapel for the purpose of conducting religious or memorial services and viewing; rooms or space for administrative offices for conducting the business of the home; space for the housing of equipment, including motor vehicles. Emergency ambulance service shall not be provided from the building.

1302.76 NONCONFORMITIES

- a) **NONCONFORMING STRUCTURE** A structure or part of a structure manifestly not designed to comply with the applicable use, extent of use or dimensional provisions of this Zoning Ordinance where such structure lawfully existed prior to the enactment or application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
- b) **NONCONFORMING USE** A use, whether of land or structure, which does not comply to a use regulation prescribed by this Zoning Ordinance for the district in which it is located, but where such use was lawfully in existence prior to the enactment or amendment of this Ordinance, or prior to the application of this Zoning Ordinance or amendment to its location by reason of annexation.
- c) **NONCONFORMING LOT** A lot that fails to conform to the area or dimension requirements of the zoning district in which it is located, but whose area or dimension was lawful prior to the adoption of or amendment to the Zoning Ordinance.
- d) **VACANT or VACANCY** A structure or portion of a structure without content, occupant, or tenant.

1302.77 NURSING FACILITY

An institution that provides either skilled or intermediate long term nursing care to patients, who are unrelated to the nursing home administrator for a period exceeding 24 hours. The building must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

1302.78 OFFICES

- a) **BUSINESS AND PROFESSIONAL OFFICE** A service oriented occupation use wherein the professional services of the practitioner are the salable commodity offered to the client. A use that involves administrative, clerical, or professional operations and operations of a similar character.
- b) **CONTRACTOR'S OFFICE** A contractor is one who contracts to perform any work or service on a building, equipment, vehicle or facility, at a certain price or rate. The contractor completes the contracted work off-site but maintains an office primarily for administrative, bookkeeping or clerical operations. Inventory and storage of materials and/or vehicles and storage of tools is provided on-site. If no on-site storage is used, the use is a business and professional office.
- c) **PUBLIC SERVICE OFFICE** An office of a governmental agency, social service organization, district magistrate, notary public, private utility or political organization.
- d) **FINANCIAL OFFICE** An office of a bank, savings and loan association, credit and loan company, collection agency or stock and bond broker.

1302.79 ON-LOT STORAGE

An accessory use which involves the placement of items or supplies, other than junk or scrap material, which is stored or placed on a lot for later use.

- a) **OUTSIDE ON-LOT STORAGE** Items that are stored outside of a building or structure on the lot.

- b) **INSIDE ON-LOT STORAGE** Items that are stored within an accessory structure. If items are placed in the principal structure, the use is considered warehousing.

1302.80 PARKING

- a) **PARKING LOT** An uncovered, but possibly fenced, lot whose principal use is for the short term, daily or overnight off-street parking of motor vehicles.
- b) **PARKING SPACE** An off-street space on a lot with an all-weather surface available for the parking of one (1) motor vehicle and having an area of not less than 162 square feet or 96 sq. ft. for a sub-compact parking space, exclusive of passageways and driveways appurtenant thereto, and having direct access to a street.
- c) **CONTRACT PARKING** Long-term or specified-term parking arranged in advance, usually on a fixed-fee basis.
- d) **SHARED PARKING** Parking space that can be used to serve two or more individual land uses without conflict or encroachment.
- e) **PUBLIC ACCOMMODATIONS** Private entities offering goods and services to the public may not discriminate against individuals with disabilities due to a lack of building accessibility.
- f) **DEMAND** The number of potential customers for a parking facility or parking system.
- g) **DEMAND/SUPPLY** A ratio of parking demand (vehicles) to parking supply (spaces) indicating an excess or shortage of available space.
- h) **OFF-STREET** Beyond the right-of-way of a street or highway.
- i) **ON-STREET** Curb parking on a street or highway.

1302.81 PARTY WALL

A wall on an interior lot line used, or a wall adapted for, joint service between two buildings.

1302.82 PEDESTRIAN ARCADE

An exclusively pedestrian accessway connecting two (2) or more other public ways, having a total area of 500 sq. ft., being at least ten (10) or more feet in all dimensions and open to the public during business hours.

1302.83 PERSONAL CARE FACILITY A dwelling providing health related care and service provided on a regular basis to more than 3 patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. The facility must be licensed by the Commonwealth and be conducted in accordance with Commonwealth requirements.

1302.84 PERSONAL SERVICE ESTABLISHMENTS

An establishment occupied by a business which performs services on-site related to the care of the personal self, household pets or the repair/maintenance of small home appliances, clothing, jewelry or other smaller items. Activities include but are not limited to: barber shops; beauty parlors; self-service laundry and dry cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tattoo studios, tailor and dressmaking shops; and pet grooming with no overnight boarding.

1302.85 POLLUTION CONTROL FACILITIES, ACCESSORY

An accessory structure located on a lot for the purpose of providing air, water, sewage, storm water management, and solid waste pollution attenuation measures.

- a) **SEWAGE FACILITY** Any sewer, sewage system, sewage treatment works or parts thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste, including industrial waste.
- b) **OFF-LOT SEWAGE FACILITY** A system or a part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. The State Department of Environmental Protection and the City shall have approving authority.
- c) **ON-LOT SEWAGE FACILITY** A system or part thereof that is: designed to serve a single dwelling or building in which sanitary sewage is collected in a septic tank, holding tank or similar container located on the same lot; untreated except for bacterial action occurring within such tank; and disposed of either by leaching from drain lines connected to the tank or by hauling to a sewage treatment facility. The State Department of Environmental Protection and the City shall have approving authority.

1302.86 PUBLIC GROUNDS

Public grounds include:

- a) **Recreational Areas** Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- b) **Publicly Owned, Operated Facilities or Sites** Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- c) **Historic Sites** Publicly owned or operated scenic and historic sites.

1302.87 PUBLIC HEARING

A meeting held pursuant to public notice by the governing body or planning agency intended to inform and obtain public comment prior to taking action in accordance with the Pennsylvania Municipalities Planning Code (Act 247).

1302.88 PUBLIC MEETING

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

1302.89 PUBLIC NOTICE

A notice published once each week for two successive weeks in a newspaper of general circulation in the City. 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 days nor less than seven days from the date of the hearing. The second publication shall not be less than seven days from the date of the hearing.

1302.90 PUBLIC PARKING GARAGE OR LOT

Those structures or surface lots owned and/or operated by the City of York, Redevelopment Authority, Parking Authority or any other authority established by the City of York, designed for the express purpose of providing daily or monthly parking, which may or may not require rental fees.

1302.91 RECREATION AND ENTERTAINMENT FACILITY

An activity operated and open to the public for the purpose of public entertainment or recreation including, but not limited to, bowling alleys, theaters, health clubs, miniature golf courses, video arcades, arenas, swimming pools, skating rinks and public grounds.

- a) **PUBLIC RECREATION AND ENTERTAINMENT FACILITY** Any recreation and entertainment facility that is publicly owned and/or operated.
- b) **COMMERCIAL RECREATION AND ENTERTAINMENT FACILITY** Any recreation and entertainment facility operated as a gainful business open to the public.

1302.92 RECREATION VEHICLE

A trailer designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on street and highways. A trailer or vehicle designed or adapted and used exclusively for recreational purposes.

1302.93 RECYCLING FACILITY

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, other paper products, glass, metal cans and other products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

1302.94 RETAIL STORES AND BUSINESSES

Activities limited to shops and stores whose primary activities involve the sale or lease of: amusements and games; antiques; art; books; beverages; carpets and rugs; ceramics and glass; confections; drugs; dry goods; flowers; food; furniture; gifts; garden supplies; hobbies; hardware; household appliances, household pets and supplies; leather goods; musical supplies and equipment; notions; paint; periodicals; photographs and photographic equipment; radio-television and sound equipment; sporting and camping goods; stationery; tobacco; toys and wearing apparel. The wholesale distribution or manufacture of the aforementioned products are not included.

- a) **CONVENIENCE STORE** A retail store whose primary activities involve the retail sales of beverages, confections, drugs, un-packaged and packaged food, unprepared and prepared food, magazines, tobacco and other household staples, which may or may not include a deli, gasoline and lottery sales.
- b) **MOM AND POP GROCERY STORE** A retail store whose primary activities involve the retail sales of beverages, confections, drugs, un-packaged and packaged food, unprepared and prepared food, magazines, tobacco and other household staples, which may or may not include a deli.

1302.95 RETAINING WALL

A structure which acts to maintain an elevation difference of 1 foot or greater from one side to the other.

1302.96 RETIREMENT VILLAGE

A building or group of buildings designed to serve the housing needs of older persons in a continuum of care environment through facilities which relate both to dependent and independent persons, such facilities may include independent living units, sheltered care units, nursing care facilities, and related support services.

1302.97 RIGHT-OF-WAY

- a) **RIGHT-OF-WAY** Land set aside to be used for streets, crosswalks or utility lines.
- b) **EXISTING RIGHT-OF-WAY** The legal right-of-way as established by the Commonwealth, City or other legal authority and currently in existence.

- c) **ULTIMATE OR FUTURE RIGHT-OF-WAY** The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads, or a right of way established to provide future access to or through undeveloped land.

1302.98 ROOMER, BOARDER OR LODGER

A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging and/or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified, for purposes of this Zoning Ordinance, not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment, such as a motel, hotel or bed and breakfast facility.

1302.99 ROOMING HOUSE

A building arranged or used for living and sleeping, with or without meals, but for compensation, designed as an accessory use to a single-family dwelling, not including more than three roomers and in which no provision is made for cooking in any individual room or suite.

1302.100 SANITARY LANDFILL

A lot or land used primarily for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind by abandonment, dumping, burial, or any other means and for whatever purposes. The landfill must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

1302.101 SCRAP YARD

A recycling facility's stockpile of recoverable resources, such as paper, machinery, wood, glass, appliances, vehicles with certificates of salvage and other recoverable industrial waste products.

1302.102 SCREENING

A barrier to visibility, airborne particles, glare and noise between adjacent properties composed entirely of trees, shrubs, hedges or other plant material or by a fence, berm and/or wall.

1302.103 SERVICE STATION

- a) **GASOLINE SERVICE STATION** Any area of land, including structures thereon, used for the sale of gasoline or any other motor vehicle fuel, oil and other lubricating substances, including any sale of motor vehicle accessories at retail only, and which may or may not include facilities for lubricating, washing and servicing motor vehicles, but shall not include major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.
- b) **MOTOR VEHICLE SERVICE STATION** Any area of land, including structures thereon or any building or part thereof, used for the sale of gasoline, other motor vehicle fuel or accessories, which may or may not include facilities for lubricating, washing, servicing, major repairs, painting, body and fender repairs, vehicular rentals and automatic car washes, but shall not include vehicular sales.
- c) **REPAIR SERVICE STATION** Any area of land, including structures thereon, or any building or part thereof that is used for the storage and repair of motor vehicles which may or may not include auto body and motorcycle shops.

1302.104 SETBACK

- a) **SETBACK** The required horizontal distance between a building and a property, right-of-way, or street line.
- b) **FRONT SETBACK** The required distance between the street right-of-way line (regardless of whether the same is also a front, side or rear lot line) and the front setback line projected the full width of the lot.

- c) **REAR SETBACK** The required distance between the rear lot line, unless such line is also a street line, and the rear setback line projected the full width of the lot.
- d) **SIDE SETBACK** The required distance between the side lot line, unless such line is also a street line, and the side setback line projected from the front setback line to the opposite setback line. However, in the case of corner lots, the second side setback shall be the required distance between the rear lot line and the side setback line projected from the side lot line to the opposite front setback line.
- e) **SETBACK LINE** A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a building and an adjacent street line and/or property line.

1302.105 SIGNS

- a) **SIGN** Any permanent or temporary structure or part thereof, or any device that is attached, painted or represented directly or indirectly on a structure or other surface, which displays or includes any letter, word, insignia, flag or representation used as, or which is in the nature, of an advertisement, announcement, visual communication or direction or is designed to attract the eye or bring the subject to the attention of the public.
- b) **CANOPY SIGN** Any sign that is part of or attached to an awning, canopy, other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
- c) **FREE-STANDING SIGN** A self-supporting sign resting on the ground or supported by means of poles or standards in the ground. The height of free-standing signs shall be measured from the official street grade.
- d) **MARQUEE SIGN** Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
- e) **PARALLEL SIGN** A sign attached, painted or otherwise mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted nor project more than 18 inches from its surface.
- f) **PROJECTING SIGN** Any sign mounted to a wall or other vertical building surface other than a parallel sign. Projecting signs shall not project more than two (2) feet from the wall or surface to which they are mounted, nor in any way interfere with normal pedestrian or vehicular traffic. Projecting signs shall not extend beyond the edge of any roof line.
- g) **ROOF SIGN** A sign erected on or above the roof or parapet of a building.
- h) **WINDOW SIGN** A sign painted on or affixed to a window and which is visible from the public right-of-way.
Editor's note: Additional definitions related to signs are located in Article 1309, Signs.

1302.106 SPECIAL EXCEPTION

A use permitted by the Zoning Hearing Board based on the specific criteria of Article 1305, Special Exceptions, and the general provisions of Article 1304. Special exceptions are permitted only for those uses expressly stated in this Zoning Ordinance, except as provided under Section 1303.06(b) All Other Uses, and pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170 of 1988 as amended).

1302.106.5 Stadium

A structure designed primarily for the purpose of viewing sports or other entertainment events played or performed in an outdoor environment. Stadiums may include enclosed or covered areas for office, food service, utility, recreation or event-viewing activities in conjunction with the outdoor seating area. Facilities with fewer than 750 seats are not considered stadiums and are not subject to Article 1304.27.5. (Revised June 17, 2003 Bill No. 30 Ordinance 28)

Updated 6/17/2003

1302.107 STREET

A public or private thoroughfare used, or intended to be used, for passage or travel by pedestrians, bicycles and motor vehicles. Terms may include alley, avenue, boulevard, drive, bypass, expressway, freeway, highway, lane, parkway, road or street. Streets are further classified by the functions they perform and as designated in the Strategic Comprehensive Plan. Street classifications include, but may not be limited to the following:

- a) **ARTERIAL STREET** A higher-order street intended for large volumes of traffic movement that connect population and employment centers and whose access is generally limited to controlled intersections. A street that is so designated in the Strategic Comprehensive Plan.
- b) **COLLECTOR STREET** A middle-order street intended to carry medium volumes of traffic that connect lower-order or local streets to higher-order or arterial streets. A collector street serves neighborhood areas and provide access to arterial streets. A street that is so designated in the Strategic Comprehensive Plan.
- c) **LOCAL STREET** A lower-order street intended for lower levels of traffic used primarily to provide access to abutting properties and generally serving internally developed areas. A street that is so designated in the Strategic Comprehensive Plan.
- d) **MARGINAL ACCESS STREET** A local street, parallel to an arterial or collector street, providing access to abutting properties and separation from through traffic while directing traffic to improved intersections to reduce curb cuts to a collector or arterial street.
- e) **SECONDARY ACCESS STREET** A public or private street, alley or right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- f) **STREET LINE** The dividing line between the street and a lot; the limit of a right-of-way. (Revised June 6, 2000 Bill No. 8 Ordinance 8)

1302.108 STRUCTURE

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Detention or retention stormwater management basins are structures.

1302.109 SUBCOMPACT VEHICLE

The classification of automobile size made on the basis of the area the vehicle occupies. The length and width of the vehicle, measured in feet, is multiplied to give the area covered by the vehicle. Cars with a figure of 85 square feet or less are considered sub-compact vehicles.

1302.110 SUBDIVISION

The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the immediate or future purposes of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, which does not involve any new streets, easement of access or any residential dwelling, shall be exempted from this definition.

1302.111 SWIMMING POOL

Any pool used or intended to be used for swimming or bathing that is in or above the ground, over 18 inches in depth.

1302.112 TERMINAL, TAXI CAB or MASS TRANSIT

- a) **TERMINAL** building which serves as the end of a transit carrier line, including its maintenance, repair and storage facilities. The building can be used for taxi cabs or mass transit vehicles.
- b) **STATION** A building other than a bus shelter, which is a regular stopping place on a transportation route. Such a building is primarily for the use of passengers. The building can be used for taxi cabs or mass transit vehicles.

1302.113 UNUSABLE LAND

Land that cannot be built upon due to slope, topography, hydrology or soil condition.

Updated 6/8/2000

1302.114 USE

- a) **USE** Any activity occurring or intending to occur in a building or other structure, or on a lot.
- b) **ACCESSORY USE** A subordinate use listed in Article 1303, Districts, under the use regulations for each zoning district and normally located on the same lot with a principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- c) **PRINCIPAL USE** The primary purpose or purposes for which a lot and/or structure is occupied as listed in the use regulations for each district.

1302.115 UTILITY

- a) **UTILITY** Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.
- b) **SUPPLY UTILITY** Any water, electric, gas or oil generating or treatment facility, supply works, substation, transmission line, distribution line or associated right-of-way.
- c) **ACCESSORY SUPPLY UTILITY** Any supply utility, or part thereof, located on a lot to which commercial service is provided or within a street right-of-way.
- d) **PRINCIPAL SUPPLY UTILITY** Any supply utility that is not an accessory supply utility.

1302.116 VARIANCE

A modification of the regulations of this Zoning Ordinance by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to Article 1311, Zoning Hearing Board, of this Ordinance and Section 910.2 of the Pennsylvania Municipalities Planning Code (Act 247 as amended by Act 170 of 1988).

1302.117 VETERINARY OFFICE OR HOSPITAL

A place where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

1302.118 VEHICLE SALES, SERVICE AND REPAIR ESTABLISHMENT

An establishment for the sale or rental of motor vehicles and/or the repair or servicing of same vehicles, including painting, spraying, body and fender work or the presence of a car-washing facility, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area.

1302.119 WAREHOUSING

- a) **WAREHOUSING** A building or part of a building used or intended to be used primarily for the storage of goods or materials that are to be sold retail or wholesale from other premises, or sold wholesale from the same premises. The term warehouse does not include a retail establishment whose primary purpose is for the sale of goods or materials on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses.

Editor's Note: The standard warehouse deals with retailers, wholesalers, and various types of industries. Warehouses operate either as an accessory or a principal use. Warehouses serving an accessory function usually store the goods or equipment of a retail or industrial use. Warehouses operating as a principal use serve a wide range of industrial and commercial clients who do not have sufficient outside on-lot storage.

- b) **MINI-WAREHOUSING OR SELF-STORAGE FACILITY** A building or group of buildings divided into separate units or areas used to meet the temporary storage needs of businesses, residents and other individuals. Units may be available to the general public on a self-service basis and/or on a controlled access basis. The term mini-warehouse or self-storage facility does not include community garage, and private garage.

1302.120 WATER FACILITY

- a) **WATER FACILITY** Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.
- b) **OFF-LOT WATER DISTRIBUTION FACILITY** A system in which potable water is supplied from a central water source to a dwelling or other building located on a different lot from the water distribution facility. The City shall be the approving authority.
- c) **ON-LOT WATER DISTRIBUTION FACILITY** A system in which potable water is supplied from an individual well to a dwelling or other building located on the same lot as the well. The City shall be the approving authority.

1302.121 WATER SURVEY

An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

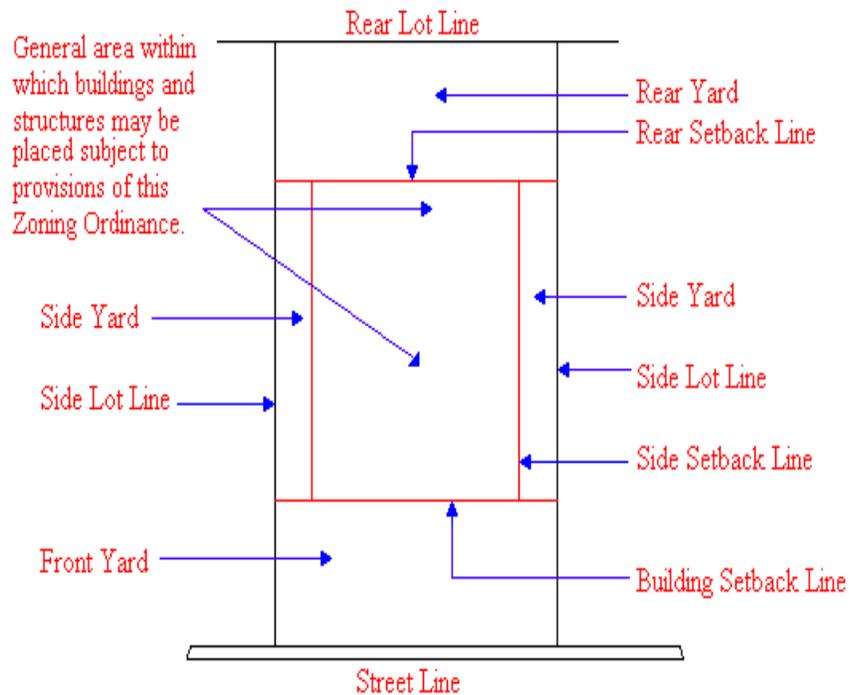
1302.122 WETLANDS

An area that is inundated or saturated by surface water or groundwater 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 condition, including swamps, marshes, bogs, swales and similar areas.

1302.123 YARD

- a) **YARD** An open unoccupied space unobstructed from the ground up, except as may be modified by Article 1307, Modifications and Nonconformities.
- b) **FRONT YARD** A minimum required area bounded by the street line, building setback line and side lot lines.
- c) **REAR YARD** An area bounded by the rear lot line, rear setback line and the side lot lines.
- d) **SIDE YARD** An area bounded by the side lot line and side, front and rear setback line
- e) **UNIMPROVED YARD** A yard without surface material, such as macadam, cement or a minimum 4 inches of stones.

This diagram illustrates the location of front, rear, and side yards on rectangular lots.



1302.124 ZONING OFFICER

The duly appointed City Official designated to administer and enforce this Zoning Ordinance.

1302.125 ZONING PERMIT

A building permit or certificate of use and/or occupancy, whichever is required in a specific circumstance.

**ARTICLE 1303
DISTRICTS, MAPS and BOUNDARIES**

1303.01	Establishment of Districts
1303.02	Classes of Districts
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Residential Districts

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1303.08	RS2 Single-Family Attached Residential Districts
1303.09	RM Mixed Residential Districts
1303.10	RO Residential Office Districts

Commercial Districts

1303.11	CN Neighborhood Commercial Districts
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1303.13	CH Highway Commercial Districts
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Industrial Districts

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Special Districts

1303.18	I Institutional Districts
1303.18A	HC Health Care
1303.19	OS Open Space Districts

Overlay Districts

1303.20	EDA Enterprise Development Area District
1303.21	FP Floodplain Overlay District
1303.22	SEA Southeast Area Overlay District

CROSS REFERENCES

Official Map - See Act 247 Sec. 401 et seq. (53 P.S. Sec. 10401 et seq.)
Classifications - See Act 247 Sec. 605 (53 P.S. Sec. 10605)
General Provisions - See P & Z Article 1304
Special Exception Uses - See P & Z Article 1305
Modifications and Nonconformities - See P & Z Article 1307
Environmental Standards - See P & Z Article 1308
Signs - See P & Z Article 1309
Off-Street Parking - See P & Z Article 1310
Planned Residential Development - See P & Z Article 1351 et seq.
Historic York - See BLDG & HSG Article 1731

1303.01 ESTABLISHMENT OF DISTRICTS

The City is hereby divided into districts of different types, each being of such number, shape, kind, area, common unity of purpose, and adaptability of use as to be deemed the most suitable to carry out the purposes of this Zoning Ordinance.

1303.02 CLASSES OF DISTRICTS

For the purposes of this Zoning Ordinance, the City is divided into the following districts:

- a) **Residential Districts**
 - RS1 Single-Family Detached Residential
 - RS2 Single-Family Attached Residential
 - RM Mixed Residential
 - RO Residential Office

- b) **Commercial Districts**
 - CN Neighborhood Commercial
 - CG General Commercial
 - CH Highway Commercial
 - CBD Central Business District
 - CW Commercial Waterfront

- c) **Industrial Districts**
 - IH Heavy Industrial
 - IL Light Industrial

- d) **Special Districts**
 - I Institutional
 - HC Health Care
 - OS Open Space

- e) **Overlay Districts**
 - EDA Enterprise Development Area
 - FP Flood Plain
 - SEA Southeast Area Overlay District

1303.03 APPLICABILITY

Unless otherwise provided by law or in this Zoning Ordinance, no building, structure or land within each district shall be used or occupied except for the express purposes specified for each district in the applicable section of this Zoning Ordinance. Uses, structures and lots existing at the time of passage of this section, and not in full compliance with the provisions of this Zoning Ordinance, shall comply with the applicable provisions of Section 1307.08 Nonconformities.

1303.04 ZONING MAPS

The locations and boundaries of the zoning districts are delineated on a series of six maps, which accompany this text and contain all relevant explanatory matter and are a part of this Zoning Ordinance. These maps are each entitled "Zoning Map, City of York." For purposes of identification, each map shall be attested by the City Clerk to be a true copy of those maps enacted by Council as part of this Code. Each map is numbered and includes the following separate areas of the City: Map 1 - North End; Map 2 - Northwest; Map 3 - East End; Map 4 - South End; Map 5 - West End; and Map 6 - Central.

1303.05 INTERPRETATION OF ZONING BOUNDARIES

Where uncertainty exists regarding district boundaries as indicated on a zoning map, the following rules shall apply:

- a) **Street Centerline** Where district boundaries approximately coincide with the centerline of streets, highways, railroad lines or streams, such centerline shall be construed to be the boundaries;

- b) **Lot Lines** Where district boundaries approximately coincide with lot lines, such lot lines shall be construed to be the boundaries; or where district boundaries are extensions of lot lines or connect the intersection of lot lines, such lines shall be the district boundaries;
- c) **Parallel to Features** Where district boundaries approximately parallel the centerline of streets and highways, such district boundaries shall be construed as parallel thereto, and at such distance therefrom, as indicated on the Zoning Map; and
- d) **Lot Division** Where district boundaries divide a lot, the location of such boundaries shall be determined by the use of the scale shown on the Zoning Map unless the boundaries are indicated by dimensions.

1303.06 USE REGULATIONS

- a) **Uses Permitted** The uses permitted in the districts established by this Zoning Ordinance, and the permitted extent of these uses, are as shown in Articles 1304 through 1307. The uses shown as permitted in each district are the only uses permitted in that district. Unless otherwise noted, the use or dimensional standard is the requirement for each use. However:
 - 1) **General Provisions** Additional provisions are set forth in Article 1304, General Provisions, and Article 1306, Infrastructure and Landscaping;
 - 2) **Modifications** Modifications to the use or dimensional requirements are set forth in Article 1307, Modifications and Nonconformities;
 - 3) **Conflict** When regulations conflict the most restrictive regulation should take precedence;
 - 4) **Special Exceptions** Standards for special exception uses are set forth in Article 1305, Special Exceptions;
 - 5) **Parking** Parking standards for identified uses are set forth in Article 1310, Parking; and
 - 6) **Floodplain** Requirements for floodplain areas are set forth in Article 1303.21, Floodplain Overlay District.
- b) **All Other Uses** Any use not specifically allowed elsewhere in this Zoning Ordinance shall be allowed by special exception in the district or districts where, and to the extent that, similar uses are permitted or allowed provided that such use meets the requirements for a special exception and does not constitute a public or private nuisance.
- d) **Accessory Uses and Structures** Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Zoning Ordinance and shall be subject to the requirements for accessory uses and structures as set forth in Article 1304, General Provisions.
- e) **Combined Uses** If more than two principal uses, each of which are located in separate structures, occupy a single lot, each use shall be positioned so the lot on which the uses are located could subsequently be subdivided, thus separating each use and yet meeting all applicable district dimensional requirements. If the uses occupy a single structure and regulations conflict, the most restrictive regulations take precedence. (Reference §1307.02 Building Area and Floor Area Modifications).

1303.07 RS1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICTS

- a) **Purpose** Single-Family Detached Residential Districts are established in areas where single-family residential development has already occurred and in logical extensions to these areas. It shall be the purpose of these Districts to promote and encourage a suitable and safe environment for family life by providing only for single-family detached residences and residential support land uses.
- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:
- 1) **Principal Uses by Right**
 - A. Residential
 - Single-family detached dwellings
 - B. Institutional
 - Cemeteries
 - Churches
 - Elementary and secondary schools
 - Public recreation facilities
 - C. Utilities and Transportation
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- 2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:
 - A. Utilities and Transportation
 - Communication transmitting and receiving facilities, Commercial

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions.

- 3) **Accessory Uses by Right**
 - Accessory buildings and private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Communication transmitting and receiving facilities, Personal
 - Crop farming
 - Fences
 - Home offices
 - Horticulture, including greenhouses
 - Off-street parking
 - On-lot storage
 - Private swimming pools
 - Signs
 - Temporary structures and/or uses

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses, respectively:
Each permitted principal use; 6,000 sq. ft. and 50 feet.
 - B. Minimum lot area and minimum lot width for permitted accessory uses:
None, unless specified in Articles 1304 or 1305, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements.** (Also see Article 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: 40 feet.
 - B. Minimum side yard: 10 feet.
 - C. Minimum rear yard: 10 feet.
 - 3) **Building Size**
 - A. Maximum building area: 25% of lot area.
 - B. Maximum floor area ratio: 45% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 35 feet.
Editors Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.
 - 5) **Impervious Surface**
 - A. Maximum impervious area: 15% of lot area.
 - 6) **Open Area**
 - A. Minimum open area: 60% of lot area.

1303.08 RS2 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICTS

- a) **Purpose** In areas where the construction of single-family attached dwellings has already occurred and is predominant, Single-Family Attached Residential Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for single-family detached and attached residences and residential support land uses.
- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:
- 1) **Principal Uses by Right**
 - A. Residential
 - Residential condominiums
 - Single-family attached dwellings
 - Single-family detached dwellings
 - B. Institutional
 - Cultural facilities
 - Churches
 - Elementary and secondary schools
 - Nursing Facility
 - Police and fire stations
 - Public recreation facilities
 - C. Utilities and Transportation
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- 2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:
 - A. Residential
 - Conversion apartments - multi-family dwelling units
 - Conversion - commercial, industrial, institutional buildings
 - Group home
 - Multiple-family dwelling
 - B. Institutional
 - Child care center
 - C. Utility and Transportation
 - Communication transmitting and receiving facilities, Commercial
 - D. Accessory Uses
 - Home Occupation
 - Rooming House

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in 1305 Special Exceptions of this Ordinance.

- 3) **Accessory Uses by Right**
 - Accessory buildings and private and community garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Adult care home
 - Bed and Breakfast
 - Child care homes
 - Communication transmitting and receiving facilities, Personal
 - Crop farming
 - Fences
 - Home office
 - Horticulture, including greenhouses
 - Off-street parking
 - On-lot storage
 - Private swimming pools
 - Signs
 - Temporary structures and/or uses

c) **Dimensional Requirements** In this District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and not exceed the maximum dimensions specified below. Should these requirements conflict with the requirements of Articles 1304 General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.

1) **Lot Area and Lot Width**

A. Minimum lot area and minimum lot width for permitted principal uses, respectively:

Single-family detached dwelling: 4,000 square feet and 40 feet.

Single-family attached dwelling: 2,000 square feet and 20 feet.

Other permitted uses: 6,000 square feet and 50 feet, unless specified in Article 1304, General Provisions.

B. Minimum lot area and minimum lot width for permitted accessory uses:

None, unless specified in Articles 1303, Districts, Maps, Boundaries or 1304 General Provisions, or required by the Zoning Hearing Board.

2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)

A. Minimum building setback line: 5 feet.

B. Minimum side yard: 10 feet aggregate of both yards.

C. Minimum rear yard: 10 feet.

3) **Building Size**

A. Maximum building area: 60% of lot area.

B. Maximum floor area ratio: 120% of lot area.

4) **Building Height**

A. Maximum building height: 35 feet.

Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.

5) **Impervious Surface**

A. Maximum impervious area: 20% of lot area.

6) **Open Area**

A. Minimum open area: 20% of lot area.

1303.09 RM MIXED RESIDENTIAL DISTRICTS

a) **Purpose** Mixed Residential Districts are established in mixed use areas where a high degree of public services, business and office uses are available or could be easily provided, and in which little demand exists for use by retail or industrial interests. It shall be the purpose of these Districts to encourage their development and redevelopment into viable urban areas where a mix of single and multiple-family dwellings and appropriate support and accessory uses are provided.

b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:

1) **Principal Uses by Right**

- A. Residential
 - Residential condominiums
 - Single-family attached dwellings
 - Single-family detached dwellings
- B. Institutional
 - Business colleges, trade schools, music & dancing schools, similar organizations
 - Churches
 - Clubs
 - Cultural facilities
 - Elementary and secondary schools
 - Nursing facility
 - Police and fire stations
 - Private noncommercial recreation facilities
 - Public recreation facilities
- C. Commercial
 - Business, professional, public service and financial offices
 - Mortuaries
- D. Utilities and Transportation
 - Principal supply utilities
 - Sewage facilities
 - Parking lot

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

- A. Residential
 - Adult care facilities
 - Apartments combined with a commercial use
 - Conversion - commercial, institutional and industrial buildings
 - Conversion apartments - multi-family dwelling units
 - Group homes

 - Multiple-family dwellings
- B. Institutional
 - Child care centers
 - Emergency shelter
 - Personal care facility
- C. Commercial
 - Mom and pop grocery stores
- D. Utility and transportation
 - Communication transmitting and receiving facilities, Commercial
 - Self-storage facility

- E. Accessory Uses
 - Domiciliary care home
 - Home occupation
 - Rooming house

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

- 3) **Accessory Uses by Right**
 - Accessory buildings and private & community garages, self storage facility
 - Accessory pollution control facility
 - Accessory supply utilities
 - Adult care home
 - Art galleries
 - Bed and Breakfast
 - Child care homes
 - Communication transmitting and receiving facilities, Personal
 - Crop farming
 - Fences
 - Home office
 - Off-street parking
 - On-lot storage
 - Private swimming pools
 - Signs
 - Temporary structures and/or uses

c) **Dimensional Requirements** In this District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications/Nonconforming for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.

1) **Lot Area and Lot Width**

A. Minimum lot area and minimum lot width for permitted principal uses, respectively:

Single-family detached dwelling:	2,000 square feet and 40 feet.
Single-family attached dwelling:	1,800 square feet and 18 feet.
Permitted commercial uses:	2,000 square feet and 25 feet.
Other permitted uses:	6,000 square feet and 50 feet.

B. Minimum lot area and minimum lot width for permitted accessory uses, respectively: None, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions, or required by the Zoning Hearing Board.

2) **Building Setback and Yard Requirements**

A. None unless specified in Article 1305, Special Exceptions, or required by the Zoning Hearing Board.

3) **Building Size**

- A. Maximum building area: 60% of lot area.
- B. Maximum floor area ratio: 150% of lot area.

4) **Building Height**

A. 90 feet, except as provided in Section 1307.03 Height Modifications.

Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Height.

5) **Impervious Surface**

A. Maximum impervious area: 25% of lot area.

6) **Open Area**

A. Minimum open area: 15% of lot area.

1303.10 RO RESIDENTIAL OFFICE DISTRICTS

- a) **Purpose** Residential Office Districts are created along major streets where offices already exist or residences are under heavy pressure for commercialization. It shall be the purpose of these districts to maintain economic and social vitality by encouraging, in addition to residential uses, only those nonresidential uses that are closely compatible with residential uses in both appearance and intensity of use, and by making maximum utilization of existing buildings.

- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:
 - 1) **Principal Uses by Right**
 - A. Residential
 - Residential condominiums
 - Single-family attached dwellings
 - Single-family detached dwellings
 - B. Institutional
 - Churches
 - Cultural facilities
 - Elementary and secondary schools
 - Nursing facility
 - Police and fire stations
 - Private noncommercial recreation facilities
 - Public recreation facilities
 - C. Commercial
 - Business, professional and financial offices
 - Medical care building, clinic or facility
 - Mortuaries
 - Public service offices
 - D. Utilities and Transportation
 - Community garages
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- 2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:
- A. Residential
 - Apartments with commercial use
 - Conversion - commercial, institutional and industrial buildings
 - Conversion apartments - multi-family dwelling units
 - Group homes
 - Multiple-family dwellings
 - B. Institutional
 - Adult care facilities
 - Child care centers
 - Emergency shelter
 - Personal care facility
 - C. Commercial
 - Communication transmitting and receiving facilities, Commercial
 - D. Utilities and Transportation
 - Parking lots or garages
 - E. Accessory Uses
 - Domiciliary care home
 - Home occupation
 - Rooming house

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

- 3) **Accessory Uses by Right**
- Accessory buildings and private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Adult care home
 - Art galleries
 - Bed and Breakfast
 - Child care home
 - Communication transmitting and receiving facilities, Personal
 - Fences
 - Home office
 - Off-street parking
 - On-lot storage
 - Private swimming pools
 - Signs
 - Temporary structures and/or uses

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- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications/Nonconforming for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses, respectively:
 - Single-family detached dwelling: 4,000 square feet and 40 feet.
 - Single-family attached dwelling: 2,000 square feet and 20 feet.
 - Permitted commercial uses: 3,000 square feet and 25 feet.
 - Other permitted principal uses: 6,000 square feet and 50 feet, unless specified in Article 1304, General Provisions.
 - B. Minimum lot area and minimum lot width for permitted accessory uses:
None, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: none.
 - B. Minimum side yard: 5 feet.
 - C. Minimum rear yard: none.
 - 3) **Building Size**
 - A. Maximum building area: 50% of lot area.
 - B. Maximum floor area ratio: 100% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 35 feet, except as provided in Section 1307.03(a) Maximum Building Height.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.
 - 5) **Impervious Surface**
 - A. Maximum impervious area: 25% of lot area.
 - 6) **Open Area**
 - A. Minimum open area: 25% of lot area.

1303.11 CN NEIGHBORHOOD COMMERCIAL DISTRICTS

- a) **Purpose** Neighborhood Commercial Districts are established within residential areas to provide locations for retail sales, personal services and offices. It shall be the purpose of these Districts to provide for the routine shopping needs of the surrounding residential areas.
- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other.
- 1) **Principal Uses by Right**
- A. Residential
 - Apartments combined with a commercial use
 - Residential condominiums
 - Single-family attached dwellings
 - B. Institutional
 - Adult care facilities
 - Churches
 - Child care centers
 - Clubs
 - Cultural facilities
 - Police and fire stations
 - Recreation and entertainment facilities, Public
 - C. Commercial
 - Business, professional, public service and financial offices
 - Business service establishments
 - Commercial condominiums
 - Convenience store
 - Eating establishments
 - Medical care building, clinic or facility
 - Mortuaries
 - Personal service establishments
 - Retail stores and businesses
 - Shopping center
 - D. Utilities and Transportation
 - Bus and taxi terminals
 - Communication transmitting and receiving facilities, Commercial
 - Community garages
 - Parking lots
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- 2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:
- A. Residential
 - Conversion - commercial, institutional and industrial buildings.
 - Conversion apartments - multi-family dwelling units
 - Group home
 - Multiple-family dwellings
 - B. Institutional
 - Emergency shelter
 - Personal care facility
 - C. Commercial
 - Mini-warehousing and self-storage facility
 - D. Accessory Uses
 - Domiciliary care home
 - Home occupation
 - Rooming house

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions.

- 3) **Accessory Uses by Right**
- Accessory buildings and private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Adult care home
 - Art galleries
 - Bed and Breakfast
 - Child care homes
 - Communication transmitting and receiving facilities, Personal
 - Fences
 - Home office
 - Off-street parking
 - On-lot storage
 - Private swimming pools
 - Signs
 - Temporary structures and/or uses

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications/Nonconforming for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses:
Single-family attached dwelling: 2,000 square feet and 20 feet.
Other permitted uses: 1,000 square feet and 18 feet.
 - B. Minimum lot area and minimum lot width for permitted accessory uses:
None, unless specified in Articles 1304, General Provisions, or 1305 Special Exception, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: none.
 - B. Minimum side yard: none.
 - C. Minimum rear yard: none.
 - 3) **Building Size**
 - A. Maximum building area: 50% of lot area.
 - B. Maximum floor area ratio: 100% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 35 feet.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.
 - 5) **Impervious Surface**
 - A. Maximum Impervious Area: 35% of lot area.
 - 6) **Open Area**
 - A. Minimum Open Area: 15% of lot area.

1303.12 CG GENERAL COMMERCIAL DISTRICTS

- a) **Purpose** General Commercial Districts are established along arterial or commercial streets where commercial uses already are predominant and are outside of established retail centers. It shall be the purpose of these districts to provide for independent retail and business activities, which require a central location.
- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other.
- 1) **Principal Uses by Right**
- A. Residential
 - Apartments combined with a commercial use

 - Single-family attached dwellings
 - Single-family detached dwellings
 - B. Institutional
 - Adult care facilities
 - Business colleges, trade schools, music & dancing schools, similar organizations
 - Child care centers
 - Churches
 - Clubs
 - Cultural facilities
 - Police and fire stations
 - C. Commercial
 - Business, contractor's, professional, public service and financial offices
 - Business service establishments
 - Commercial condominiums
 - Eating establishments
 - Equipment rental agencies
 - Medical care building, clinic or facility
 - Mortuaries
 - Personal service establishments
 - Recreation and entertainment facilities, Commercial
 - Retail stores and businesses
 - Vehicular sales, rental and repair
 - Veterinary offices or hospitals (for household pets only)
 - D. Industrial
 - Crematorium
 - Mini-warehouse/self storage
 - Research or testing laboratories
 - Warehousing and distribution, including wholesale business.
 - E. Utilities and Transportation
 - Bus and taxi terminals
 - Communication transmitting and receiving facilities, Commercial
 - Community garages
 - Parking lots
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- 2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:
- A. Residential
 - Conversion - commercial, institutional and industrial buildings
 - Conversion apartments - multi-family dwelling units
 - Multiple-family dwellings
 - B. Institutional
 - Emergency shelter
 - Personal care facility
 - C. Commercial
 - Bring-Your-Own-Bottle-Club
 - Convenience stores with gasoline service
 - Hotel apartment efficiency
 - Veterinary offices or hospitals for non-household pets, e.g. farm animals
 - Motor vehicle service stations
 - Repair service station
 - D. Industrial
 - Industrial park
 - E. Accessory Uses
 - Home occupation

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions.

- 3) **Accessory Uses**
- Accessory buildings and private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Child care homes
 - Communication transmitting and receiving facilities, Personal
 - Fences
 - Home office
 - Kennel and stables
 - Off-street parking
 - On-lot storage
 - Signs
 - Temporary structures and/or uses

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses, respectively:

Single-family detached dwelling:	4,000 square feet and 40 feet.
Single-family attached dwelling:	2,000 square feet and 20 feet.
Other permitted principal uses:	None, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions, or as required by the Zoning Hearing Board.
 - B. Minimum lot area and minimum lot width for permitted accessory uses, respectively: None, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: none.
 - B. Minimum side yard: none.
 - C. Minimum rear yard: none.
 - 3) **Building Size**
 - A. Maximum building area: 75% of lot area.
 - B. Maximum floor area ratio: 200% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 65 feet.
 - B. Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b), Maximum Structural Height.

1303.13 CH HIGHWAY COMMERCIAL DISTRICTS

- a) **Purpose** Highway Commercial Districts are established at or near interchanges or intersections of regional arterial highways or along appropriate portions of these same highways. It shall be the purpose of these districts to provide for free-standing retail and business activities that serve a regional market, are not normally part of a shopping center or complex, or serve the highway traveler.

- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:
 - 1) **Principal Uses by Right**
 - A. Residential
 - Apartments combined with a commercial use
 - B. Institutional
 - Adult care facility
 - Clubs
 - Police and fire stations
 - C. Commercial
 - Business, professional, public service and financial offices
 - Business service establishments
 - Commercial condominiums
 - Convenience stores with gasoline service
 - Eating establishments
 - Equipment rental agencies
 - Gasoline service station
 - Hotels and motels
 - Medical care building, clinic or facility
 - Mortuaries
 - Personal service establishments
 - Recreation and entertainment facilities, Commercial
 - Retail stores and businesses
 - Shopping center
 - Vehicular sales, rental and repair
 - D. Industrial
 - Mini-warehouse/self storage
 - Warehousing and distribution, including wholesale businesses
 - E. Utilities and Transportation
 - Bus and taxi terminals
 - Communication transmitting and receiving facilities, Commercial
 - Helistop
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

A. Commercial

- Adult entertainment facilities
- Bring-Your-Own-Bottle-Club
- Drive-in produce stands
- Heavy vehicular repair facilities
- Hotel apartment efficiency
- Motor vehicle service stations
- Repair service station
- Veterinary offices or hospitals for non-household pets, e.g. farm animals

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

3) **Accessory Uses**

- Accessory buildings, private garages
- Accessory pollution control facility
- Accessory supply utilities
- Communication transmitting and receiving facilities, Personal
- Crop farming
- Fences
- Horticulture
- Kennel and stables
- Off-street parking
- On-lot storage
- Signs
- Temporary structures and/or uses.

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304 General Provisions, 1305 Special Exceptions and 1307 Modifications/Nonconforming for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses, respectively: 20,000 square feet and 100 feet.
 - B. Minimum lot area and minimum lot width for permitted accessory uses, respectively: none, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: 40 feet.
 - B. Minimum side yard: 15 feet.
 - C. Minimum rear yard: 15 feet.
 - 3) **Building Size**
 - A. Maximum building area: 30% of lot area.
 - B. Maximum floor area ratio: 45% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 35 feet, except as provided in Section 1307.03(a) Maximum Building Height.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.
 - 5) **Impervious Surface**
 - A. Maximum Impervious Area: 45% of lot area.
 - 6) **Open Area**
 - A. Minimum Open Area: 25% of lot area.

1303.14 CBD CENTRAL BUSINESS DISTRICT

a) **Purpose** At the center of the City, in established retail and business areas and extensions thereof, the Central Business District is established. It shall be the purpose of this District to provide for business and office activities, tourist and convention activities, and high-intensity retail sales activities.

b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other.

1) Principal Uses by Right

- A. Residential
 - Apartments combined with a commercial use
 - Residential condominiums
 - Single-family attached dwellings
- B. Institutional
 - Business colleges, trade schools, music and dancing schools, similar organizations
 - Churches
 - Clubs
 - Cultural facilities
 - Police and fire stations
 - Recreation and entertainment facilities, Public
- C. Commercial
 - Brewery pub
 - Business, professional, public service and financial offices
 - Business service establishments
 - Commercial condominiums
 - Eating establishments
 - Personal service establishments
 - Recreation and entertainment facilities, Commercial
 - Retail stores and businesses
 - Shopping center
 - Periodical or book printing operations
- E. Utilities and Transportation
 - Bus and taxi terminals
 - Communication transmitting and receiving facilities, Commercial
 - Helistop
 - Public parking garages or lots
 - Principal supply utilities
 - Research or testing laboratories

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

- A. Residential
 - Conversion apartments - multi-family dwelling units
 - Group home
 - Multiple-family dwellings
- B. Institutional
 - Child care centers
 - Personal Care Facility

- C. Commercial
 - Bring-Your-Own-Bottle-Club
 - Hotels and motels
 - Hotel apartment efficiency
 - Mini-warehouse/self-storage
 - Warehouse, distribution and wholesale businesses
- D. Accessory Uses
 - Domiciliary care home
 - Rooming house

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

- 3) **Accessory Uses by Right**
 - Accessory buildings and private garages, community garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Adult care facilities
 - Communication transmitting and receiving facilities, Personal
 - Fences
 - Home office
 - Off-street parking
 - On-lot storage
 - Signs
 - Temporary structures and/or uses

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.

- 1) **Lot Area and Lot Width**

- A. Minimum lot area and minimum lot width for permitted principal uses, respectively:
 - Single-family attached dwelling: 1,600 square feet and 18 feet

Other permitted principal uses: None, unless specified in Article 1304, General Provisions, or 1305, Special Exceptions, or required by the Zoning Hearing Board.

- B. Minimum lot area and minimum lot width for permitted accessory uses, respectively:
 - None, unless specified in Article 1304, General Provisions, or 1305, Special Exceptions, or required by the Zoning Hearing Board.

- 2) **Building Setback and Yard Requirements**

- A. None

- 3) **Building Size**

- A. Maximum building area: 100% of lot area
- B. Maximum floor area ratio: None

- 4) **Building Height Requirements**

- A. None

1303.15 CW COMMERCIAL WATERFRONT DISTRICTS

a) **Purpose** The Commercial Waterfront District is established to allow for special water-oriented commercial activity in the central area of the City bordering on the Codorus Creek. It shall be the primary purpose of this District to incorporate normal commercial activity and tourist-related commercial activity in an urban park setting of the Codorus Creek.

b) **Use Regulations** A structure may be erected and a lot may be used or occupied for any of the following uses and no other:

1) **Principal Uses by Right**

- A. Residential
 - Apartments combined with commercial use

 - Residential condominiums
 - Single-family attached dwellings
- B. Institutional
 - Adult care facilities
 - Child care centers
 - Club
 - Cultural facilities
 - Educational facilities
 - Police and fire stations
 - Recreation and entertainment facilities, Public
- C. Commercial
 - Brewery Pub
 - Business, professional, public service and financial offices
 - Eating establishments
 - Personal service establishments
 - Recreation and entertainment facilities, Private
 - Retail stores and businesses
- D. Utilities and Transportation
 - Community garages
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

- A. Residential
 - Conversion - commercial and industrial buildings
 - Conversion apartments - multi-family dwelling units
 - Multiple-family dwellings
- B. Institutional
 - Personal care facility
- C. Commercial
 - Bring-Your-Own-Bottle Club
 - Hotels and motels

- D. Utilities and Transportation
 - Parking lot or parking garage
- E. Accessory Uses
 - Home occupation

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

- 3) **Accessory Uses by Right**
 - Accessory buildings and private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Adult care home
 - Art Galleries
 - Bed and Breakfast
 - Child care home
 - Communication transmitting and receiving facilities, Personal
 - Fences
 - Home office
 - Off-street parking
 - On-lot storage
 - Signs
 - Temporary structures and/or uses

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304 General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.

- 1) **Lot Area and Lot Width**

- A. Minimum lot area and lot width for permitted principal uses, respectively:
 - Single-family attached dwelling: 1,800 square feet and 18 feet.
- B. Minimum lot area and minimum lot width for permitted accessory uses, respectively:
 - None, unless specified in Article 1304, General Provisions, or 1305 Special Exceptions, or required by the Zoning Hearing Board.

- 2) **Building Setbacks and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)

- A. Minimum building setback line: None.
- B. Minimum side yard: None, except 10 feet where adjacent to a residential or special district.
- C. Minimum rear yard: None, except 15 feet where adjacent to a residential or special district.

- 3) **Codorus Creek Easement**

- A. **Additional Setback Requirements** Any structure build along Codorus Creek shall provide for continuous public access by providing a continuous public right-of-way, which can be either an ten (10) foot setback all along the creek, or a continuous arcade open at either end, and at least 6 feet wide. Such setback or arcade shall be in addition to the easement maintained by the Army Corps of Engineers along the Creek banks.

B. Dimensional Bonuses: Floor Area Ratio

- i. Any building which provides for public access to the creek from such right-of-way may increase its permitted floor area ratio and density by 10%.
- ii. Any structure which provides for commercial retail, restaurant or tavern uses opening onto the creek front right-of-way may be permitted to increase floor area ratio and density by 25%.

4) Building Size

- A. Maximum building area: 70% of lot area.
- B. Maximum floor area ratio: 250% of lot area, except 350% for a hotel.

5) Building Height

- A. Maximum building height: 45 feet, except 90 feet for hotel.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.

1303.16 IH HEAVY INDUSTRIAL DISTRICTS

a) **Purpose** In areas where industrial development has already occurred and rail freight service is available, Heavy Industrial Districts are established. It shall be the purpose of such districts to provide employment to the region and contribute to the tax base of the City. Development within the districts shall be encouraged through minimal controls on use and intensity of use with such controls to be limited to accepted standards for environmental control and aesthetic control along the perimeter of the districts when abutting residential districts.

b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:

1) **Principal Uses by Right**

- A. Institutional
 - Business colleges, trade schools, music and dancing schools, similar organizations
 - Jails and correctional institutions
 - Police and fire stations
- B. Commercial
 - Business, contractor's, professional and financial offices
 - Business service establishments
 - Commercial condominiums
 - Equipment rental agencies
 - Motor vehicle service stations
 - Repair service station
- C. Industrial
 - Bulk plant
 - Crematorium
 - Industrial condominiums
 - Manufacturing, Heavy and Light
 - Mini warehouse/self-storage facility
 - Research or testing laboratories
 - Scrap yard
 - Warehousing and distribution, including wholesale businesses
- D. Utilities and Transportation
 - Bus and taxi terminals
 - Communication transmitting and receiving facilities, Commercial
 - Community garages
 - Parking lots
 - Railroad terminals, yards and rights-of-way
 - Transfer, storage and delivery truck terminals
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

- A. Industrial
 - Conversion - institutional, commercial and industrial buildings
 - Eating establishments
 - Heavy vehicular repair facilities
 - Industrial Park
 - Recycling facility
 - Quarrying, processing, storage and/or sale of stone and related products

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

- 3) **Accessory Uses by Right**
 - Accessory buildings, private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Communication transmitting and receiving facilities, Personal
 - Fences
 - Off-street parking
 - On-lot storage
 - Signs
 - Temporary structures and/or uses

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- c) **Dimensional Requirements** In this District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304 General Provisions, 1305 Special Exceptions and 1307 Modifications/Nonconforming for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
 - 1) **Lot Area and Lot Width**
 - A) Minimum lot area and minimum lot width for permitted principal uses, respectively: 20,000 square feet and 100 feet.
 - B) Minimum lot area and minimum lot width for permitted accessory uses, respectively: none, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities).
 - A. Minimum building setback line: 15 feet.
 - B. Minimum side yard: 15 feet.
 - C. Minimum rear yard: 15 feet.
 - 3) **Building Size**
 - A. Maximum building area: 75% of lot area.
 - B. Maximum floor area ratio: 200% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 65 feet.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Height.

1303.17 IL LIGHT INDUSTRIAL DISTRICTS

- a) **Purpose** Light Industrial Districts are established in selected areas lacking rail accessibility and adjacent to either established or proposed residential areas. It shall be the purpose of such districts to provide employment to the region and contribute to the tax base of the City. Development within such districts shall be compatible with surrounding or abutting residential districts with suitable open spaces and landscaping, to limit external effects on surrounding low intensity development.

- b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other.
 - 1) **Principal Uses by Right**
 - A. Institutional
 - Business colleges and trade schools
 - Police and fire stations
 - B. Commercial
 - Brewery pub
 - Business, professional and financial offices
 - Business service establishments
 - Commercial condominiums
 - C. Industrial
 - Crematorium
 - Industrial condominiums
 - Manufacturing, Light
 - Mini-warehousing and self-storage facility
 - Repair service station
 - Research of testing laboratories
 - Warehousing and distribution, including wholesale businesses
 - Vehicle sales, rental and repair
 - D. Utilities and Transportation
 - Bus and taxi terminals
 - Communication transmitting and receiving facilities, Commercial
 - Principal supply utilities
 - Sewage facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- 2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:
 - A. Residential
 - Mobile home park
 - B. Institutional
 - Child care centers
 - C. Commercial
 - Eating establishment
 - Adult entertainment facility
 - Drive-in produce stand
 - Hotel apartment efficiency
 - Industrial park

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions of this Ordinance.

- 3) **Accessory Uses by Right**
 - Accessory buildings and private garages
 - Accessory pollution control facility
 - Accessory supply utilities
 - Communication transmitting and receiving facilities, Personal
 - Crop farming
 - Fences
 - Kennel and stables
 - Off-street parking
 - On-lot storage
 - Signs
 - Temporary structures and/or uses
 - Horticulture

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- c) **Dimensional Requirements** In this District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and not exceed the maximum dimensions specified below. Should these requirements conflict with the requirements of Articles 1304 General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
 - 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses, respectively: 20,000 square feet and 100 feet.
 - B. Minimum lot area and minimum lot width for permitted accessory uses, respectively: none, unless specified in Articles 1304, General Provisions, or 1305, Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Section 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: 15 feet
 - B. Minimum side yard: 15 feet
 - C. Minimum rear yard: 15 feet
 - 3) **Building Size**
 - A. Maximum building area: 50% of lot area
 - B. Maximum floor area ratio: 75% of lot area
 - 4) **Building Height**
 - A. Maximum building height: 65 feet
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Height.
 - 5) **Impervious Surface**
 - A. Maximum Impervious Area: 30% of lot area.
 - 6) **Open Area**
 - A. Minimum Open Area: 20% of lot area.

1303.18 I INSTITUTIONAL DISTRICTS

a) **Purpose** Institutional Districts are provided in area where a major institution, such as a college or hospital, has a significant influence on land use in surrounding areas. It shall be the purpose of these districts to provide defined areas for the location of the parent institution as well as appropriate accessory and ancillary uses.

b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:

1) **Principal Uses by Right**

- A. Residential
 - Dormitories
 - Group home or quarters
 - Retirement village
- B. Institutional
 - Adult care facilities
 - Churches
 - Cultural facilities
 - Child care centers
 - Educational facilities
 - Hospitals
 - Nursing facility
 - Public buildings
 - Recreation and entertainment facilities, Public
- C. Commercial
 - Professional offices
- D. Utilities and Transportation
 - Principal supply utilities
 - Sewage pre-treatment facilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

- A. Residential
 - Conversion - commercial, institutional and industrial buildings
- B. Institutional
 - Personal care facility
- C. Commercial
 - Eating establishment

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions of this Ordinance.

3) **Accessory Uses by Right**

- Accessory buildings and private garages
- Accessory pollution control facility
- Accessory supply utilities
- Fences
- Helistop
- Off-street parking
- Private parking garages and lots
- Retail sales
- Signs
- Temporary structures and/or uses

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- c) **Dimensional Requirements** In this District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and not exceed the maximum dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses: 6,000 square feet and 50 feet.
 - B. Minimum lot area and minimum lot width for permitted accessory uses: none, unless specified in Articles 1304, General Provisions, or 1305 Special Exceptions or required by the Zoning Hearing Board.
 - 2) **Building Setbacks and Yard Requirements** (See Also Article, 1307 Modifications and Nonconformities).
 - A. Minimum building setback line: 20 feet.
 - B. Minimum side yard: 20 feet.
 - C. Minimum rear yard: 20 feet.
 - 3) **Building Size**
 - A. Maximum building area: 20% of lot area.
 - B. Maximum floor area ratio: 40% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 35 feet, except as provided in Section 1307.03(a) Maximum Building Height.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Heights.
 - 5) **Impervious Surface**
 - A. Maximum Impervious Area: 50% of lot area.
 - 6) **Open Area**
 - A. Minimum Open Area: 30% of lot area.

1303.18A HC HEALTH CARE DISTRICTS

a) **Purpose** Health Care Districts are provided in areas where a major institution providing acute health care services, such as a hospital, has a significant influence on land use in surrounding areas. It shall be the purpose of these districts to provide defined areas for the location of the health care institution as well as appropriate accessory and ancillary uses.

b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:

1. **Principal Uses by Right**

- A. Residential
 - Dormitories
 - Group home or quarters
- B. Institutional
 - Adult care facilities
 - Child care centers
 - Churches
 - Cultural facilities
 - Hospitals
 - Medical care building, clinic, or facility
 - Medical research facility in compliance with applicable local, state, and federal health and safety laws and codes and the provisions of Article 1308
 - Nursing facility
 - Public buildings
 - Retirement village
- C. Commercial
 - Business and professional offices
- D. Utilities and Transportation
 - Principal supply utilities
 - Commercial communication transmitting and receiving facilities

Additional regulations of some of these uses are set forth in Article 1304, General Provisions

2. **Uses by Special Exception** The following uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board:

- A. Institutional
 - Personal care facility

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions, of this Ordinance.

3. **Accessory Uses by Right**

- Accessory buildings and private garages
- Accessory pollution control facility
- Accessory supply utilities
- Eating establishment
- Educational facilities
- Fences
- Health and fitness clubs
- Helistop
- Lodging facilities, accessory to a Hospital use
- Off-street parking
- Private parking garages and lots
- Retail sales

Repair service station
 Sewage pre-treatment facilities
 Signs
 Temporary structures and/or uses
 Water facility

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

- c) **Dimensional Requirements** In this District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and not exceed the maximum dimensions specified below. Should these requirements conflict with the requirements of Articles 1304, General Provisions, 1305, Special Exceptions, and 1307, Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305, and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. Minimum lot area and minimum lot width for permitted principal uses:
40,000 square feet and 90 feet.
 - B. Minimum lot area and minimum lot width for permitted accessory uses:
None, unless specified in Articles 1304, General Provisions, or 1305, Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setbacks and Yard Requirements** (See Also Article 1307, Modifications and Nonconformities.)
 - A. Minimum building setback line: 20 feet
 - B. Minimum side yard: 20 feet
 - C. Minimum rear yard: 20 feet
 - D. RS1 and RS2: Buildings adjacent to RS1 and RS2 districts in the City shall be setback 150 feet; however, parking and driveways shall be permitted within this setback area.
 - 3) **Building Size**
 - A. Maximum building area: 60% of lot area.
 - B. Maximum floor area ratio: 200% of lot area.
 - 4) **Building Height**
 - A. Maximum building height:

Hospital	195 feet
Dormitory	60 feet
All Other Uses	85 feet
 - B. Height/Setback Ratio: In addition to the height limitations specified in Section 1303.18A(c)(4)(A), all building height shall not exceed two feet for each one foot of setback distance.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b), Maximum Structural Heights.
 - 5) **Impervious Surface**
 - A. Maximum Impervious Area: 60% of lot area.
 - 6) **Open Area**
 - A. Minimum Open Area: 15% of lot area.

1303.19 OS OPEN SPACE DISTRICTS

a) **Purpose** Open Space Districts are established in areas topographically unsuited to development where public services cannot reasonably be provided, or on large areas of publicly owned land. It shall be the purpose of these districts to provide public protection against potential flooding, fire or erosion, to provide recreational facilities and outdoor entertainment, and to prevent intensive development.

b) **Use Regulations** A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other:

1) **Principal Uses by Right**

- A. Agricultural
Horticulture
- B. Institutional
Public buildings
Recreation and entertainment facilities, Public
- C. Utilities and Transportation
Communication transmitting and receiving facilities, Commercial
Helistop
Principal supply utilities

Additional regulations for some of these uses are set forth in Article 1304, General Provisions.

2) **Uses by Special Exception** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board:

- A. Agricultural
Animal husbandry

The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article 1305, Special Exceptions of this Ordinance.

3) **Accessory Uses by Right**

- Accessory supply utilities
- Accessory pollution control facility
- Crop farming
- Fences
- Horticulture, including greenhouses
- Kennel and stable
- Off-street parking
- On-lot storage
- Signs
- Temporary structures and/or uses

4) **Uses Permitted as Conditional Use**

- Stadium

- c) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified below. Should these requirements conflict with the requirements of Articles 1304 General Provisions, 1305 Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.
- 1) **Lot Area and Lot Width**
 - A. None, unless specified in Articles 1304, General Provisions, 1305 Special Exceptions, or required by the Zoning Hearing Board.
 - 2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities).
 - A. Minimum building setback line: 40 feet.
 - B. Minimum side yard: 10 feet.
 - C. Minimum rear yard: 10 feet.
 - 3) **Building Size**
 - A. Maximum building area: 10% of lot area.
 - B. Maximum floor area ratio: 10% of lot area.
 - 4) **Building Height**
 - A. Maximum building height: 15 feet.
Editor's Note: Maximum height of structures not designed for human occupancy is governed by Section 1307.03(b) Maximum Structural Height.
 - 5) **Impervious Surface**
 - A. Maximum Impervious Area: 10% of lot area.
 - 6) **Open Area**
 - A. Minimum Open Area: 80% of lot area.

1303.20 EDA ENTERPRISE DEVELOPMENT AREA DISTRICT

- a) **Purposes** The purposes of this Enterprise Development Area District are to:
- 1) **Development** Provide a permissive zone for the development of commercial and industrial development;
 - 2) **Encroachment Protection** Provide an operating environment that protects such development from encroachment of incompatible land uses;
 - 3) **Reduce Impact** Reduce to a minimum the impact permitted development in this zone will have on surrounding residential neighborhoods; and
 - 4) **Maximize Potential** Maximize the development potential of all vacant and under utilized industrial, commercial and institutional buildings through adaptive reuse and integrated development.
- b) **Overlay Applicability** The Enterprise Development Area described above shall be an overlay to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Enterprise Development Area district shall serve as a supplement to the underlying district provisions.
- 1) **Validity** In the event any provisions concerning an Enterprise Development Area district are declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provision shall remain applicable.
 - 2) **Establishment by Overlay** The Enterprise Development Area District shall be deemed an overlay on the existing Zoning Map. The district shall include only those areas entitled as the "Industrial Distressed Area," more commonly known as the Rail Corridor. The source of this delineation shall be the Enterprise Development Area Map as amended on the zoning map.
- c) **Performance Standards** Any use not listed under subsection (d) hereof may be undertaken and maintained if it conforms to the limitations set forth in Article 1308, Environmental Standards.
- d) **Prohibited Uses** The following uses are not permitted in the Enterprise Development Area District:
- Adult entertainment facilities
 - Distillation of bones
 - Fat Rendering
 - Institutional uses, except publicly owned or operated buildings
 - Hazardous waste dumps
 - Kennels, dog pounds or raising of animals
 - Landfills
 - Scrap yards and junk yards
 - Stockyards or slaughtering of animals
- e) **Special Exception** The following uses shall be permitted as special exception uses when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such use according to criteria established in Article 1305, Special Exceptions, of this ordinance.
- A. Residential
 - Single-family detached and attached dwellings
 - Multi-family dwellings
 - B. Industrial
 - Recycling facility

- f) **Dimensional Requirements** In the Enterprise Development Area District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose does not need to provide or meet any minimum or maximum dimensional requirements concerning:
- 1) Lot area and lot width;
 - 2) Building size;
 - 3) Impervious surface; and
 - 4) Open area.
- Building setbacks, yard requirements and building height shall be regulated by the district in which the use is located.
- g) **Off-Street Parking** All permitted development shall be required to provide sufficient off-street parking space.
- 1) **Commercial** All commercial uses less than 2,500 square feet in net floor area shall be exempt from the off-street parking requirements; however, for each full 500 square feet in excess of 2,500 square feet, one (1) parking space shall be provided.
 - 2) **Industrial** All industrial uses shall meet the parking requirement for industrial uses stated in Section 1310.06 Industrial Parking.
 - 3) **Off-Street Parking Areas as Accessory Uses**
 - A. Off-street parking areas as accessory uses are exempt from all design guidelines except when the lot on which the parking spaces are located abuts the rear or side lot line of a residential lot or is across the street from any land in a residential district other than publicly owned land; a wall, fence or evergreen planting hedge shall be placed and maintained along the property line adjacent to the residential area.
 - B. Off-street parking areas as accessory uses may only serve a use that is permitted by right in the district in which the principal use is located.
- h) **Signs** All signs shall be regulated by Article 1309, Signs, according to each district's regulations. All signs within the HARB jurisdiction shall comply with Section 1309.19 Historical Architecture Review Board District.
- i) **Outdoor Storage** Outside storage of material, equipment or vehicles shall be regulated by Section 1304.24, Outside On-Lot Storage.
- j) **Application Review** No building permit or certificate of use and occupancy shall be issued unless all the dimensional and parking provisions applicable to this zone are met. In cases where such provisions cannot be met, an application for a conditional use shall be made to the Zoning Officer. The applicant shall be referred with a report and recommendation by the Bureau of Planning/Engineering to the Enterprise Development Area Committee for a recommendation. The Enterprise Development Area Committee shall forward their recommendation to City Council for a decision.
- k) **Appeals** Appeals to court from any decision of City Council may be taken by any aggrieved party.
- l) **Conflict** Should any of the requirements stated in this section conflict with any other requirements of this Zoning Ordinance, the requirements of this section shall take precedence.
- m) **Administration** It shall be the responsibility of City Council to administer the Enterprise Development Area District.
- n) **Public Interest** Should the standards in this section fail to protect the public interests of health, safety and welfare, the City Council may modify, extend, grant variances or impose additional safeguards upon the applicant to secure the purposes of this section.

1303.21 FP FLOODPLAIN OVERLAY DISTRICT

- a) **General Purposes** In addition to the general purposes of Section 1301.02, General Purpose, the following purposes apply to this article:
- 1) **Community Welfare** Promote the general health, welfare, and safety of the community;
 - 2) **Minimize Flood Damage** Encourage utilization of appropriate construction practices in order to prevent or minimize future flood damages;
 - 3) **Water Supply, Drainage Protection** Minimize danger to public health by protecting water supply and natural drainage;
 - 4) **Financial Burden Reduction** Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding; and
 - 5) **Compliance** Comply with federal and state floodplain management requirements.
- b) **Warning and Disclaimer of Liability** The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, and flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages. The granting of a zoning permit or approval of a subdivision plan in the Floodplain District shall not constitute a representation, guarantee or warranty of any kind by the City, or by any official or employee thereof, as to the practicability or safety of the proposed use and/or structure and shall create no liability on the City, its officials or employees. This Ordinance shall not create liability on the part of the City of York or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- c) **Applicability** The provisions of this article shall apply to those areas identified in Section 1303.21(d), Identification of Floodplain Areas, and 1303.21(g), Description of Floodplain Areas, where applicable, below. The floodplain districts described herein shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- 1) **Validity** In the event any provisions concerning a floodplain district are declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.
- d) **Identification of Floodplain Areas** The district shall include the identified floodplain area, which shall be all areas of the City of York subject to inundation by the 100-year flood, as identified in Type 15 Flood Insurance Study (FIS) dated December 1976 and the accompanying maps prepared by the Susquehanna River Basin Commission (SRBC) for the Federal Insurance Administration (FIA), or the most recent revision thereof.
- Editor's note:* The final Flood Hazard Boundary Map/Flood Insurance Rate Map and Flood Boundary and Floodway Map, effective date June 15, 1977, are the source for the floodplain overlay district boundaries.
- e) **Changes in Identification of Area** The identified floodplain area may be revised or modified by Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- f) **Specific Definitions** Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.
- 1) **Basement** Any area of the building having its floor below ground level on all sides.
 - 2) **Building** A combination of materials to form a permanent structure having walls and a roof for the shelter or enclosure of persons, animals or property. Included shall be all manufactured homes and trailers used for human habitation.

- 3) **Completely Dry Space** A space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- 4) **Development** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavating; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- 5) **Essentially Dry Space** A space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- 6) **Flood** The temporary condition of partial or complete inundation of normally dry land areas from overflow of inland waters or from the unusual and rapid accumulation or runoff of surface waters from any source.
- 7) **Floodplain** A relatively flat or low land area subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- 8) **Floodproofing** Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- 9) **Floodway** The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
- 10) **Historic Structure** Any structure that is:
 - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- 11) **Identified Floodplain Area** The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. Includes areas identified as floodway (FW), flood-fringe (FF) and general floodplain (FA).
- 12) **Land Development** Any activities of the following:
 - A. The improvement of one (1) lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - i. 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
 - ii. 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.
 - B. A subdivision of land
- 13) **Lowest Floor** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

- 14) **Manufactured Home** A transportable single-family dwelling intended for permanent occupancy contained in one, two or more units designed to be joined into one integral unit capable of again being 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 with or without a permanent foundation. For the purposes of this Ordinance, the term shall include park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.
- 15) **Manufactured Home Park** A parcel of land under single ownership that has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- 16) **Minor Repair** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- 17) **New Construction** Structures for which the start of construction commenced on or after July 6, 1977, and includes any subsequent improvements thereto.
Editor's Note: This date reflects the effective date of the first floodplain management ordinance/regulations enacted by the City of York for the purpose of complying with the requirements of the National Flood Insurance Program.
- 18) **One Hundred Year Flood** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- 19) **Person** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- 20) **Recreational Vehicle** A vehicle that is:
 A. Built on a single chassis;
 B. Not more than 400 square feet measured at the largest horizontal projections;
 C. Designed to be self-propelled or permanently towable by a light-duty truck;
 D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- 21) **Regulatory Flood Elevation** The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.
- 22) **Special Permit** A special approval required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or a designated part of the floodplain.
- 23) **Structure** Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items.
- 24) **Subdivision** The definition of Section 1302.110, Subdivision, shall apply.
- 25) **Substantial Damage** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- 26) **Substantial Improvement** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
 - B. Any alteration of a historic structure, as defined in Section 1303.21(f)(10) provided that the alteration will not preclude the structure's continued designation as a historic structure as defined in Section 1303.21(f)(10).
- g) **Description of Floodplain Areas** The identified floodplain area shall consist of the following specific areas:
- 1) **Floodway Area (FW)** The areas identified as *Floodway* in the FIS prepared by the Federal Insurance Administration (FIA). The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS;
 - 2) **Floodway Fringe Area (FF)** The remaining portions of the 100-year floodplain in those areas identified in the FIS where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the FIS; and
 - 3) **General Floodplain Area (FA)** The areas identified as Zone A in the FIS for which no 100-year flood elevations have been provided.
 - A. When available, information from other federal, state, and other acceptable source shall be used to determine the 100-year elevation, as well as a floodway area, if possible.
 - B. When no other information is available, the applicant shall determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City.
- h) **Boundary Disputes** Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer. Any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the applicant.
- i) **Conflict With Other Provisions** This ordinance supersedes any other conflicting provisions that may be in effect in any identified floodplain area. However, any other ordinance or provision shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this ordinance, the more restrictive shall apply.
- j) **Floodplain District Permitted Uses and Activities**
- 1) **Restrictions to Encroachment, Alteration, Improvement** No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities that may be affected by such action have been notified by the City, and until all required permits or approvals have been **first** obtained from the DEP Bureau of Dams, Waterways and Wetlands. In addition, FEMA and the Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified **prior** to any alteration or relocation of any watercourse.
 - 2) **Compliance for Activities in Floodplain** Any construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and with all other applicable regulations, city codes, and ordinances such as the City Building Code, the Subdivision and Land Development Ordinance and applicable federal and state regulations.

- 3) **Other Permits Required** At the time of filing an application for a permit the applicant shall present to the Building Official evidence that he has obtained all necessary permits, licenses, approvals special exceptions and/or variances as may be required by the laws of the City, the County, the Commonwealth or the Federal government.
 - 4) **Permit Required** A permit shall first be obtained for all new construction, development and/or substantial improvement from the Building Official.
- k) **Development Entirely or Partially Within Floodplain**
- 1) **Permit Requirements** In addition to the permit submission requirements of 1312.01, Permits, and 1312.02, Use Certificates, the applicant shall submit to the Building Official the following specific information:
 - A. A plan that accurately locates the construction proposal with respect to the flood-prone area boundaries, stream channel and existing flood-prone developments. Included shall be all plans for proposed subdivision and/or land development to assure that:
 - i. All such proposals are consistent with the need to minimize flood damage;
 - ii. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - iii. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - B. Such plan shall also include existing and proposed contours and elevation of the ground, elevation of the lowest floor including basement, elevation of the one hundred (100) year floodplain, size of the structure, location and elevation of streets, water supply facilities, soil types and floodproofing measures.
 - C. A document certified by a registered professional engineer or architect that adequately precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to appropriate adopted building code regulations, and further that the floodproofing measures are in accordance with W1 or W2 space classification standards contained in the publication "Floodproofing Regulations" published by the U. S. Army Corps of Engineers (June 1972, as amended March 1994) or with some other equivalent standard.
 - 2) **Review by County Conservation District** A copy of all applications for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the York County Conservation District shall be considered by the Building Official for possible incorporation into the proposed plan.
- l) **Special Requirements for FW and FA Areas**
- 1) **Floodway Area (FW)** Within any Floodway Area (FW), the following provisions apply:
 - A. Any new construction, development, use, activity, or encroachment that would cause **any** increase in the one hundred year flood heights shall be prohibited;
 - B. No new construction or development shall be allowed unless a permit is obtained from the DEP Bureau of Dams, Waterways and Wetlands; and
 - C. Under no circumstance shall any of the development referenced in Section 1303.21(m)(1) and (2), Activities Endangering Human Life and Dangerous Materials and Substances, be permitted in the Floodway (FW).
 - D. Within any FW (Floodway Area), manufactured homes shall be prohibited.
 - 2) **General Floodplain Area (FA)** Within any General Floodplain Area (FA), the following provisions apply:
 - A. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse;
 - B. Any new construction or development that would cause **any** increase in one hundred year flood heights shall be prohibited within any floodway area; and
 - C. Manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

- m) **Development Which May Endanger Human Life**
- 1) **Activities Endangering Human Life** The following activities shall be subject to the provisions of this section, in addition to all other applicable provisions, in accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Pennsylvania Department of Community Affairs as required by the Act:
 - A. Any new or substantially improved structure that will be used for the **production or storage** of any dangerous materials or substances;
 - B. Any new or substantially improved structure that will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any dangerous materials or substances on the premises; or
 - C. Any new or substantially improved structure that will involve the production, storage or use of any amount of radioactive substances.
 - 2) **Dangerous Material and Substances** The list of materials and substances considered to be dangerous to human life include, but are not limited to, the following:
 - a. Acetone;
 - b. Ammonia;
 - c. Benzene;
 - d. Calcium carbide;
 - e. Carbon disulfide;
 - f. Celluloid;
 - g. Chlorine;
 - h. Hydrochloric acid;
 - i. Hydrocyanic acid;
 - j. Magnesium;
 - k. Nitric acid and oxides of nitrogen;
 - l. Petroleum products (gasoline, fuel oil, etc.);
 - m. Phosphorus;
 - n. Potassium;
 - o. Sodium;
 - p. Sulfur and sulfur products;
 - q. Pesticides (including insecticides, fungicides, and rodenticides);
 - r. Radioactive substances, insofar as such substances are not otherwise regulated;
 - s. Materials specifically listed in 29 CFR Part 1910, Subpart 2, toxic and hazardous substances;
 - t. Materials or substances assigned a threshold limit value (TLV) by the American Conference of Governmental Industrial Hygienists, Inc. (ACGIH); and
 - u. Materials or substances determined by ACGIH to be cancer causing, corrosive, toxic, an irritant or a sensitizer, or have damaging effects on specific body organs.
 - 3) **Prohibited in Floodway Area** Within any floodway area (FW), any structure of the kind described in 1303.21(m)(1) and (2) above, Activities Endangering Human Life and Dangerous Material and Substances, shall be prohibited. In addition, manufactured homes shall be prohibited.
 - 4) **Prohibited in General Floodplain Area** Within any General Flood Plain Area (FA), any new or substantially improved structure of the kind described in Section 1303.21(m)(1) and (2) above, Activities Endangering Human Life and Dangerous Materials and Substances, shall be prohibited within the floodway, to be determined by the applicant in accordance with the procedures of Section 1303.21(g)(3)(b), or the area measured 50 feet landward from the top-of-bank of any watercourse, whichever is more restrictive.
 - 5) **Design, Construction Requirements** Where permitted within any floodplain, any new or substantially improved structure of the kind described in Section 1303.21(m)(1) and (2), Activities Endangering Human Life and Dangerous Materials and Substances, above shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the 100-year flood;
 - B. Designed to prevent pollution from the structure or activity during the course of a 100-year flood; and
 - C. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (ACE, June 1972, as amended March 1992), or with some other equivalent watertight standard.
- n) **Activities Requiring Special Permits** In accordance with the administrative regulations promulgated by the Pennsylvania Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the City of York Zoning Officer after approval by the Pennsylvania Department of Community Affairs in accordance with Section 60.3(d) of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (1978-166):
- 1) **Hospital, Jails, Nursing Homes** The commencement of any of the following activities or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - A. Hospitals;
 - B. Nursing homes;
 - C. Jails or prisons; and
 - 2) **Manufactured Homes** The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision. Section 1303.21(v)(12) shall also apply.
- o) **Application Requirements for Special Permits** Applicants for Special Permits shall provide five (5) copies of the following items:
- 1) **Written Request** A written request including a completed Building Permit Application Form;
 - 2) **Map** A small-scale map showing the vicinity in which the proposed site is located;
 - 3) **Plan Site** A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred feet or less, showing the following:
 - A. North arrow, scale and date;
 - B. Topography based upon the National Geodetic Vertical Datum of 1983, showing existing and proposed contours at intervals of 2 feet;
 - C. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - D. The location of all existing streets, drives, other accessways and parking areas with information concerning widths, pavement types and construction, and elevations;
 - E. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development;
 - F. The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities;
 - G. The location of all proposed buildings, structures, utilities, and any other improvements; and
 - H. Any other information which the municipality considers necessary for adequate review of the application.

- 4) **Plan Structures** Plans of all proposed buildings, structures and other improvements clearly and legibly drawn at a suitable scale showing the following:
- A. Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations as appropriate;
 - B. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;
 - D. Detailed information concerning any proposed floodproofing measures;
 - E. Cross section drawings for all proposed streets, drives, other accessways and parking areas showing all rights-of-way and pavement widths;
 - F. Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
 - G. Plans and profiles of all proposed sanitary and storm sewer systems, and any other utilities and facilities.
- 5) **Data, Documentation** Data and documentation as follows:
- A. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel owned by the applicant or the client he/she represents;
 - B. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
 - C. A statement certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life;
 - D. A statement certified by a registered engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
 - E. A statement certified by a registered engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such material and debris may have on 100-year flood elevations and flows;
 - F. The appropriate component of the Pennsylvania Department of Environmental Protection "Planning Module for Land Development";
 - G. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - H. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
 - I. An evacuation plan that fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.
- p) **Special Permit Application Review Procedures** Upon receipt of an application for a Special Permit by the Zoning Officer, the following procedures shall apply in addition to those of Article 1312, Administration:
1. **Municipal Review** Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendation. Copies of the application shall also be forwarded to the City Planning Commission and City Engineer for review and comment;
 2. **Incomplete Application** If an application is received that is incomplete, the City of York shall notify the applicant in writing, stating in what respect the **application** is deficient;

3. **Disapproval** If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reason for the disapproval;
 4. **Approval** If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Department of Community Affairs by registered or certified mail within 5 working days after the date of approval;
 5. **Department of Community Affairs Review** Before issuing the Special Permit, the City shall allow the Department of Community Affairs thirty (30) days after receipt of the notification by the Department to review the application and decision made by the City;
 - A. If the City does not receive any communication from the Pennsylvania Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant; and
 - B. If the Pennsylvania Department of Community Affairs should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the Special Permit.
- q) **Special Permit Technical Requirements** In addition to the requirements of Sections 1303.21(j),(l) and (m), Floodplain District Permitted Uses and Activities, Special Requirements for FW and FA Areas, and Development Which May Endanger Human Life, of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- 1) **Structure Safety** No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner that will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - i. the structure will survive inundation by waters of the 100-year flood without any lateral movements or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation;
 - ii. the lowest floor (including basement) elevation will be at least 1 1/2 feet above the 100 year flood elevation; and
 - iii. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows of debris endangering life and property.
 2. **Technical Analyses** All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City and the Pennsylvania Department of Community Affairs.
- r) **Review of Application by Others** A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (i.e., Planning Commission, City Engineer, etc.) for review and comment.
- s) **Existing Structures in Identified Floodplain Areas**
- 1) **Existing Structures** The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure located within any identified floodplain, the following provisions shall apply:
 - A. No expansion or enlargement of an existing structure shall be allowed within any floodway area (FW) that would cause any increase in the elevation of the 100-year flood;

- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50 percent or more of its market value shall constitute a substantial improvement (new building) and shall be undertaken only in full compliance with the provisions of this Ordinance, including elevated construction;
- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or flood-roofed to the greatest extent possible; and
- D. Building modification, alteration, reconstruction or improvement costs to an existing structure will be cumulative over 5 years such that if the total cost of such improvements over 5 years equals or exceeds 50 percent of the original market value of the original structure, improvements shall be undertaken only in full compliance with provisions of this ordinance, including elevated construction.

t) **Additional General Provisions for Special Exception Applications Located in Floodplain** In addition to the standards and criteria of Article 1305, Special Exceptions, and the general provisions of Section 1311.07(a)(3), Special Exception General Provisions, the following additional factors shall be considered for those Special Exception applications that are located in the floodway area (FW) and general floodplain area ((FA):

- 1) **Increase in Flood Elevations** No development use or activity shall be allowed in the floodway area that will result in any increase in the 100-year flood elevation, nor shall any development, use or activity be allowed in the general floodplain area that will result in a one (1) foot or more increase in the elevation of the 100-year floodplain. The burden of proof shall be upon the applicant.
- 2) **Danger to Life and Property** The danger to life and property due to increased flood heights or velocities caused by encroachments;
- 3) **Materials** The danger that materials may be swept onto other lands or downstream to the injury of others;
- 4) **Water Supply, Sanitation Systems** The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- 5) **Flood Damages** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- 6) **Service Importance** The importance of the services provided by the proposed facility to the community;
- 7) **Waterfront Location** The requirements of the facility for a water-front location;
- 8) **Alternative Locations** The availability of alternative locations not subject to flooding for the proposed use;
- 9) **Compatibility** The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- 10) **Comprehensive Plan** The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- 11) **Access** The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 12) **Hydrologic Factors** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site; and
- 13) **Other Factors** Such other factors that are relevant to the purposes of this Zoning Ordinance.

u) **Variances to Floodplain Regulations**

- 1) **Variance Procedures, Conditions** If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the Board Approval procedures contained in Article 1311.05, Determination Appeals, and Article 1311.06, Variance Appeals, and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area (FW) that would cause any increase in the 100-year flood elevation;
- B. Except for a possible modification of the 1 1/2 foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining to Section 1303.21(m), Development Which May Endanger Human Life, nor for any of the other requirements pertaining to Sections 1303.21(n), (o), (p) and (q) involving special permit activities;
- C. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - i. The granting of the variance may result in increased premium rates for flood insurance; and
 - ii. Such variances may increase the risks to life and property.
- D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - i. That there is good and sufficient cause;
 - ii. That failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expenses; nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- E. A complete record of all variance requests and related actions shall be maintained by the City of York. In addition, a report of all variances granted during the year shall be submitted for inclusion in the annual report to the Federal Insurance Administration (FIA);
- F. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.
- G. If granted, the variance shall involve only the least modification necessary to the regulation to provide relief.

v) **Design and Construction Standards** The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- 1) **Fill** If fill is used, it shall:
 - A. Extend laterally at least fifteen (15) feet beyond the building line from all points;
 - B. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
 - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
 - D. Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes is submitted to, and approved by, the Zoning Officer; and
 - E. Be used to the extent to which it does not adversely affect adjacent properties.
- 2) **Drainage Facilities** Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- 3) **Water and Sanitary Sewer Facilities and Systems**
 - A. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

- C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- 4) **Other Utilities** All other utilities such as gas lines and electrical and telephone systems shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.
- 5) **Storage** All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1303.21(m), Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- 6) **Placement of Buildings and Structures** All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood waters.
- 7) **Anchoring**
 - A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - B. All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- 8) **Floors, Walls and Ceilings, Paints and Adhesives**
 - A. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - B. Plywood, paints and other finishes and adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed or materials that are "water-resistant" and will withstand inundation.
 - D. Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
 - E. All wooden components (doors, trim, cabinets, etc.) shall be of a "marine" or "water-resistant" paint or other finishing material.
- 9) **Electrical Components**
 - A. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
 - B. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- 10) **Equipment** Water heaters, furnaces, air conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- 11) **Fuel Supply Systems** All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- 12) **Manufactured Homes** Where permitted in any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - A. Placed on a permanent foundation;
 - B. Elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the one hundred year flood; and
 - C. Anchored to resist flotation, collapse, or lateral movement.
- w) **Elevation and Floodproofing Requirements**
 - 1) **Residential Structures** Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

- 2) **Non-Residential Structures** Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Such design and construction shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U. S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a professional engineer or architect that states that the proposed design and methods of construction are in conformance with the above referenced standards.
- 3) **Space Below the Lowest Floor**
- A. Fully enclosed space below the lowest floor (including basement) is prohibited.
 - B. Partially enclosed space below the lowest floor (including basement), which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than the basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4) **Accessory Structures** Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity;
 - B. Floor area shall not exceed 600 square feet;
 - C. The structure will have low damage potential;
 - D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters;
 - E. Power lines, wiring and outlets shall be at least one and one-half (1 1/2) feet above the 100 year flood elevation;
 - F. Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - G. Sanitary facilities are prohibited.
 - H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must be certified by a registered professional engineer or architect, or meet or exceed the minimum criteria of Section 1303.21(w)(3)(B)(i-iii).

1303.22 Southeast Area Overlay District

- a) **Purposes** The purposes of the Southeast Area Overlay District are to:
- 1) **Preserve** Permit the Southeast Area to preserve and affirm its residential areas;
 - 2) **Impact** Minimize development impact on surrounding residential neighborhoods;
 - 3) **Adaptive Reuse** Maximize the development potential of all vacant and under-utilized residential, commercial, and institutional buildings through adaptive reuse and integrated development;
 - 4) **Image** Strengthen the City's image as a place of shopping, commerce, entertainment, and learning; and
 - 5) **Connect** Connect areas north and south of the Southeast Community.
- b) **Overlay Applicability** The Southeast Area Overlay District described above shall be deemed an overlay to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Southeast Area Overlay District shall serve as a supplement to the underlying district provisions.
- 1) **Applicability** The Southeast Area Overlay District is hereby designated on the Zoning Map. The district shall include areas entitled as the Redevelopment Area as identified in the Boundary Development Project. The source of this delineation shall be the Southeast District Area as amended on the Zoning Map.
 - 2) **Validity** In the event any provisions concerning the Southeast Area Overlay District are declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying district provisions shall remain applicable.
- c) **Permitted Uses** The following uses shall be permitted as noted below:
- 1) **CN Zoning District** Any principal or accessory use permitted by right listed in §1303.11, CN Neighborhood Commercial, may be undertaken and maintained.
 - 2) **Additional Permitted Uses** The following uses shall be permitted by right: Single family detached dwellings; business colleges, trade schools, music and dancing and similar organizations; elementary and secondary schools; nursing facility, and private non-commercial recreation facilities.
 - 3) **Special Exception** Uses permitted by special exception listed in §1303.11, Neighborhood Commercial (CN), shall be permitted, only when authorized by Zoning Hearing Board approval. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria in Article 1305, Special Exceptions of this ordinance.
 - 4) **Mom and Pop Grocery Stores** Mom and Pop Grocery Stores shall be permitted, only when authorized by the Zoning Hearing Board approval. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria in Article 1305, Special Exceptions of this ordinance.
 - 5) **Child Care Centers** In the RM underlying zoning district, child care centers shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria in Article 1305, Special Exceptions, of this ordinance.
 - 6) **Parking Garages and Lots** Parking Garages and Parking Lots as principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria in Article 1305, Special Exceptions, of this ordinance.

d) **Dimensional Requirements** In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and not exceed the maximum dimensions specified below. Should these dimensional requirements conflict with the dimensional requirements of Articles 1304, General Provisions, 1305, Special Exceptions and 1307 Modifications and Nonconformities for any specified use, the requirements of Articles 1304, 1305 and 1307 shall take precedence.

1) **Lot Area and Lot Width**

- A) Minimum lot area and minimum lot width for principal uses:
 Single Family Dwelling: 2,000 square feet and 20 feet.
 Other permitted uses: 1,000 square feet and 18 feet.
- B) Minimum lot area and minimum lot width for permitted accessory uses:
 None, unless specified in Article 1304, General Provisions, or Article 1305, Special Exception, or required by the Zoning Hearing Board.

2) **Building Setback and Yard Requirements** (Also see Article 1307, Modifications and Nonconformities.)

- A) Minimum building setback: None
- B) Minimum side yard: None
- C) Minimum rear yard: None

3) **Building Size**

- A) For Single Family Dwellings:
 Maximum building area: 50% of lot area.
 Maximum floor area ratio: 100% of lot area.
- B) For other permitted uses
 Maximum building area: 100% of lot area.
 Maximum floor area ratio: 400% of lot area.

4) **Building Height**

- A) Maximum building height for Single Family Dwellings: 36 Feet
- B) Maximum building height for other permitted uses: 80 Feet

5) **Impervious Surface**

- A) Maximum impervious surface for Single Family Dwellings: 35% of lot area.
- B) Maximum impervious surface for other permitted uses: 100% of lot area.

6) **Open Area**

- A) Minimum open area for Single Family Dwellings: 15% of lot area.
- B) Minimum open area for other permitted uses: None.

- e) **Buffer Yards and Screening**
 - 1) **Buffer Yards** Buffer yards are not required as stipulated in §1306.02 Screening and Buffering.
 - 2) **Screening** Screening along the property lot line is required between institutional, commercial or industrial uses which abut a residential use. Screening must be in conformance with §1306.02(c) Screening, and may consist of a fence, landscaping or berm.
 - 3) **Right-of-Way** Sight-tight screening is not required along an arterial and collector right-of-way.

- f) **Signage** All signage shall be regulated by Article 1309, Signage, with the following exceptions:
 - 1) **Other Underlying Zoning Districts** All commercial and institutional uses shall be regulated in accordance with §1309.10(a) Regulation of Signage by Zoning Districts: Commercial Districts, On-Premises Signage.
 - A) **Off-Premises, Signage** Off-premises signage is prohibited, except where signage pertains to a use and or service located within the Southeast Area District.
 - (i) **Type and Lighting** Only parallel, non-illuminated, indirectly illuminated or directly illuminated signage, as defined by §1309.03(b)(1), (3), and (5), shall be permitted.
 - (ii) **RM Zoning District** Off-Premises signage is prohibited in the Mixed Residential (RM) zoning district.
 - (iii) **Single Family Dwelling** Off-Premises signage is prohibited on wall faces of a single-family dwelling or multiple family dwellings with no first floor commercial space.
 - (iv) **Number** Only one off-premises sign is allowed per parcel. This signage is in addition to any on-premises signage allowed for the property.
 - (v) **Area** The surface area of each sign shall not exceed twenty-five percent (25%) of the surface area of the exposed wall up to a maximum of one hundred fifty (150) square feet.
 - (vi) **Glare** No directly illuminated sign shall violate the provision of Section 1308.05, Glare.

- g) **Off-Street Parking**
 - 1) **Screening Along Streets** Off-street parking lots must be screened in accordance with §1310.09(i), Parking Lot Design Standards Screening, except along lot lines that abut a right-of-way of an arterial or collector street. The parking lot must remain visible from the street. This requirement shall not prevent the provision of landscaping or street trees along the property edge.
 - 2) **Interior Landscaping** The requirements of §1306.08, Interior Landscaping, are modified requiring a minimum of 10% of the total area of the parking lot shall be devoted to landscaping. Landscaped areas are not required to break up rows of 10 or more parking spaces.

- h) **Outdoor Storage** Outside storage of material, equipment or vehicles shall be regulated by §1304.24, Outside On-Lot Storage.

- i) **Land Development Review** Upon receipt of an application of a land development plan for development within the Southeast Area Overlay District, the plan shall be referred with a report and recommendation by the Bureau of Planning to the Southeast Citizens Advisory Committee for a recommendation. The Committee shall forward its recommendation to the Planning Commission and City Council in accordance with §1333.06(e) Southeast Area Citizens Advisory Committee.

- j) **Conflict** Should any of the requirements stated in this section conflict with any other requirements of this Zoning Ordinance, the requirements of this section shall take precedence except as noted in subsection (d) noted above.
(Revised 12/17/98 Bill 22 Ord. 20)

**ARTICLE 1304
GENERAL PROVISIONS**

1304.01	Accessory Structures
1304.02	Adult Care Facility or Home
1304.03	Apartment or Apartments with Commercial Use
1304.04	Bed and Breakfast
1304.05	Child Care Center
1304.06	Child Care Home
1304.07	Clubs
1304.08	Condominium
1304.09	Convenience Store
1304.10	Dormitory
1304.11	Eating Establishments
1304.12	Group Quarters
1304.13	Helistop
1304.14	Home Office
1304.15	Horticulture
1304.16	Hotel and Motel
1304.17	Junk Yard
1304.18	Manufacturing, Light and Heavy
1304.19	Mini-warehousing/Self-Storage
1304.20	Mobile Home - Individual Lot
1304.21	Mortuaries
1304.22	Nursing Facilities
1304.23	Office, Contractor's
1304.24	Outside On-Lot Storage
1304.25	Recreation and Entertainment Facilities, Commercial
1304.26	Scrap Yard
1304.27	Shopping Center
1304.28	Veterinary Office or Hospital for Household Pets

CROSS REFERENCES

District Regulations - see P & Z Article 1303
Environmental Standards - see P & Z Article 1308
Signs - See P & Z Article 1309
Off-Street Parking - see P & Z Article 1310
Nonconformities - see P & Z Article 1307

1304.01 ACCESSORY STRUCTURES

- a) **Accessory Buildings and Private Garages**
- 1) **Residential Districts** In all residential districts, a private garage or accessory building may be erected within a rear or side yard, if they are entirely separated from the principal building, provided that a common or joint garage, which is not an integral structural part of the principal building, may be erected on adjoining lots across a common lot line.
 - 2) **All Other Districts** In all other districts, private garages or accessory buildings shall be located and erected in accordance with the dimension requirements for the district in which the garage or accessory building is located.
- b) **Fences**
- 1) **Height Limitations** Maximum fence height limitations are regulated as follows:
 - A. Residential districts - 6 feet;
 - B. Commercial and industrial districts - 8 feet;
 - C. All other districts - 10 feet.
 - 2) **Hazardous Attachments** No fence in a residential district may be constructed of or topped by barbed wire or similar hazardous attachments. Fences in commercial or industrial districts may be topped with no more than three strands of barbed wire or with wrought iron spikes. Barbed wire may be used in any other district only if the Zoning Hearing Board grants a special exception.
 - 3) **Electrification** No fence in any zoning district may be electrified in any way.
 - 4) **Yard Provisions** Yard provisions shall not apply to hedges, fences or walls six or less feet in height above the natural grade in residential areas and fences eight or less feet in commercial and industrial districts.
 - 5) **Spite fences** are prohibited in the City of York.
- c) **Off-Street Parking** Off-street parking shall be permitted in all districts in accordance with the off-street parking provisions in Article 1310, Parking, and the impervious surface requirement for districts Article 1303, Districts, Maps and Boundaries, for which the property is zoned.
- d) **Private Swimming Pool** A private swimming pool may be erected in a rear or side yard, in any district in which it is permitted, provided it complies with the following conditions:
- 1) **Location** Pools in excess of a design depth of three (3) feet and erected on a lot of any width shall be located at least five (5) feet from the rear and side property line and ten (10) feet from the principal building, with the following exceptions:
 - A. Pools that have a design depth from eighteen (18) inches to and including three (3) feet in depth and erected on a lot eighteen (18) feet wide or greater shall be located ten (10) feet from the principal building and at least three (3) feet from the rear and side property lines.
 - B. Pools that have a design depth from eighteen (18) inches to and including three (3) feet in depth and erected on a lot less than eighteen (18) feet wide shall be located at ten (10) feet from the principal building and at least one (1) foot from the other side property line, provided that a six (6) foot high solid masonry or solid wooden fence be erected along at the property line on the side of the pool with the one (1) foot setback. The remainder of the pool area shall be enclosed in accordance with subsection (d)(4) hereof.

Lot Width (Less than 18 ft.)		Lot Width (18 ft. and greater)	
Pool Depth 18 inches to 3 ft.	Pool Depth over 3 ft.	Pool Depth 18 inches to 3 ft.	Pool Depth over 3 ft.
Rear Yard	3 ft. 5 ft.	3 ft.	5 ft.
Side Yard	3 ft. 5 ft.	3 ft.	5 ft.
Side Yard	1 ft.* 5 ft.	3 ft.	5 ft.

* Six foot fence required on this side: see subsection (d)(1)B. hereof.

- 2) **Nuisance or Hazard** It shall be suitably designed and located so as not to become a nuisance or hazard to adjoining property owners or the public. Outdoor lights, if used, shall be shielded and not reflected toward adjacent residential properties;
 - 3) **Drainage** Provision shall be made for drainage of the pool and back-wash water disposal. The use of open fields, lawns or dry wells shall be permitted for this purpose provided they meet the requirements of the Pennsylvania Department of Environmental Protection. Water shall not be emptied onto public roads or adjoining land belonging to others;
 - 4) **Enclosure** The entire pool area shall be enclosed with a chain link, solid masonry, or solid wooden fence, or picket fence having spacing no greater than four (4) inches, at least four (4) feet in height including a gate with a self-locking and closing device to permit the pool to be locked and secured when not in use. The locking device shall be located at least four (4) feet above ground level;
 - 5) **Additional** All other aspects of swimming pool installation, security and maintenance shall be in accordance with the BOCA National Building Code, as adopted by the City in the Codified Ordinances.
- e) **Signs** Signs shall be permitted in all districts in accordance with the sign provisions in Article 1309, Signs.
- f) **Temporary Structure or Use** A temporary permit may be issued for structures or uses accessory during construction, or other special circumstances of a nonrecurring nature, subject to the following additional provisions:
- 1) **Permit Life** The life of such permit shall be only for the period required and shall not exceed 6 months, renewable at additional three month intervals and not to exceed a maximum life of one (1) year unless, owing to special circumstances, additional life is required and a Special Exception is authorized by the Zoning Hearing Board;
 - 2) **Removal** Such structure or use shall be removed completely upon expiration of the permit without cost to the City.
- g) **Sidewalk Displays** Outside displays on City sidewalks are permitted in Central Business Districts (CBD), General Commercial (CG) Districts, Neighborhood Commercial (CN) Districts and Commercial Waterfront (CW) Districts. The following shall apply:
- 1) **Prohibited Displays** Auto parts and supplies, building materials and supplies, machinery parts, hardware, household appliances, mattresses, janitorial supplies and equipment and upholstered furniture are not permitted to be displayed on City sidewalks;

- 2) **Association with Accessory Use** Permitted displays shall be: 1) associated with and be an accessory use to a retail establishment; 2) limited in length to 50% of the establishment's frontage on the sidewalk; and 3) shall not extend more than three (3) feet from the building line. In any case, a four (4) foot pedestrian area shall be maintained from the curb to the display area. If the minimum four (4) foot pedestrian area cannot be met, then a sidewalk display shall not be permitted at that location;
 - 3) **Hazards** Any display which poses a health, safety or environmental hazard is prohibited;
 - 4) **Display Removal** The display shall be removed from the sidewalk during the hours the establishment is closed; and
 - 5) **Guidelines** The display shall meet the guidelines set forth by the Zoning Officer.
- h) **Personal Communication Transmitting and Receiving Facilities** Personal communication transmitting and receiving facilities are permitted in all districts except as hereafter provided:
- 1) **Dimensional Placement** All personal communication transmitting and receiving facilities may be placed outside of the applicable rear and side yard setbacks or may be located upon a building on the same lot and shall be prohibited from being placed in the front yard area.
 - 2) **Roof Mounted** A roof-mounted facility shall not exceed twelve (12) feet in height, measured from the lowest point at which the facility is attached to the building. A roof-mounted facility shall not be visible from public right-of-ways. For double frontage lots, the facility must not be visible from the street frontage for which the property is addressed.
 - 3) **Non-Roof Mounted** All non-roof-mounted facilities should not be more than eight (8) feet high and should be screened with a fence or according to Article 1306, Infrastructure.
 - 4) **Size** No satellite dish shall exceed four (4) meters.

1304.02 ADULT CARE FACILITY OR HOME

- a) **Licensing** The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Signs** Signage visible from the street in residential districts must comply with Article 1309, Signs.
- c) **Garbage** Adult care daily operations must screen and secure all outdoor trash and garbage facilities.
- d) **Parking** The adult care facilities shall provide parking in accordance with Article 1310, Parking.
- e) **Indoor Space** Adult care homes shall have 80 square feet of habitable floor area for each adult client. Adult care facilities shall provide at least a minimum of 500 square feet of indoor space.
- f) **Operation** The adult care home must be conducted only by the residents of the dwelling.

1304.03 APARTMENT OR APARTMENTS COMBINED WITH A COMMERCIAL USE

- a) **Requirements** The commercial portion of the use must be permitted within that respective zoning district. The provisions of this section apply to existing single-family dwellings and existing licensed multi-family dwellings or commercial structures proposing to establish one (1) or more apartments above or within the rear portion of the first floor. Such uses are subject to the requirements of the Zoning district except as modified and provided below:
 - 1) **Parking** Parking requirements shall be provided for both the existing residential use and the proposed commercial use as identified in Article 1310, Parking.
 - 2) **Non-Applicability** Under no circumstances shall this section be applicable to the conversion of a single-family dwelling to a multi-family dwelling; and

- 3) **Conversion** Under no circumstances shall a portion of a residential unit be converted to commercial space unless the remaining portion of the residential unit complies with the following table and other applicable codes (i.e., a single-family dwelling converted to an apartment with commercial space, a three (3) unit multiple-family dwelling converted to a 3 unit multiple-family dwelling with commercial uses, etc.). This standard is not applicable if the number of units is reduced to create commercial space.

A.	<u>Bedroom Dwelling Unit</u>	<u>Minimum Habitable Floor Area (Sq. Ft.)</u>
	Efficiency	400
	1	550
	2	700
	3	850
	4	1,000

- 4) **Commercial Space** Commercial space shall be established on the first floor of the structure. An apartment may be established on the first floor when at least 50% of the first floor is established as commercial space. The commercial space must be situated along the front of the property and/or street frontage.
- b) **Parking** All uses must meet the parking standards of Article 1310, Parking.
- c) **Signs** Signage visible from the street in residential districts must comply with Article 1309, Signs. Signage requirements are applicable to all districts.

1304.04 BED AND BREAKFAST

- a) **Location** The bed and breakfast must be in a principal residential structure
- b) **Meals** The only meal to be served is breakfast. Service is limited to residents, lodgers, and their visitors exclusively. In Neighborhood Commercial (CN) and Commercial Waterfront (CW) zoning districts, eating establishments are permitted if other zoning requirements can be addressed.
- c) **Signs** Signs for bed and breakfast establishments shall be permitted in accordance with Article 1309, Signs.
- d) **Alterations** No exterior structural alterations of the building shall be made except as may be necessary for purposes of sanitation or safety.
- e) **Codes** The bed and breakfast facility must meet all City requirements for health, building and fire codes.
- f) **Length of Stay** The maximum uninterrupted length of stay for registered guests shall be no more than fourteen (14) days.
- g) **Parking** Bed and Breakfast facilities must address the parking standards of Section 1310, Parking. For the purpose of locating off-premises parking, bed and breakfast facilities shall comply with the requirements for other uses defined in Section 1310.08(h) Location of Parking Spaces.
- h) **Bedrooms** Guest and owner-occupied bedrooms can comprise no more than sixty percent (60%) of the gross floor area of the dwelling as defined in Section 1302.12(c) Floor Area.

1304.05 CHILD CARE CENTER

- a) **Licensure** The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.

- b) **Outdoor Play Areas** Child care centers shall have at least 40 square feet of outdoor space for each child. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children. Outdoor play areas must be screened or fenced in accordance with Article 1306.02, Screening and Buffering.
- c) **Parking** The center should provide adequate parking and loading space in accordance with Article 1310, Parking.
- d) **Licensure Requirements** All local licensing and permit requirements/standards shall be met.
- e) **Traffic** A traffic impact study for a child care center located in all residential districts shall be submitted and reviewed by City staff and the Zoning Hearing Board.
- f) **Structure** A child care center cannot be located or established in an existing residential structure (vacant or occupied) located within residential zoning districts.

1304.06 CHILD CARE HOME

- a) **Licensure** The facility shall be registered with the Commonwealth of Pennsylvania and shall provide proof of registration to the City prior to occupancy approval by the City. The home must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Play Areas** Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children. Outdoor play areas must be fenced or screened in accordance with Section 1306.02 Buffering and Screening.
- c) **Unightly Conditions** Child care daily operations must not cause unsightly conditions or waste that is visible from off the property except for normal trash loads placed on curb for regular trash pick up day.
- d) **Signs** Signage visible from the street must comply with Article 1309, Signs.
- e) **Parking** The child care operation must have sufficient off-street parking to accommodate residential use and employees in accordance with Article 1310, Parking. The applicant shall provide an area for drop off/pick up of children.
- f) **Traffic** The child care operation must not create a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic for the street on which the dwelling or building is located.
- g) **Operation** The child care operation must be conducted by the residents of the dwelling.
- h) **Outdoor Space** Child care homes shall have 40 square feet of outdoor space for each child.
- i) **Indoor Space** Child care homes shall have at least 1,200 square feet of floor area in the home where the use shall be located.
- j) **Licensure, Requirements** All local licensing and permit requirements/standards shall be met.

1304.07 CLUBS

- a) **Location** All outdoor facilities shall be limited to Commercial Waterfront Districts and Highway Commercial Districts.

1304.08 CONDOMINIUM

- a) **Location** A condominium is an ownership arrangement, not a land use; therefore, it shall be generally allowed in any residential, commercial and industrial district, allowing such use as principal uses.
- b) **Common Spaces** All of the common exterior open space and any common interior spaces shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act of July, 1980, and in accordance with the provisions for open space, roads or other development facilities as specified in this Zoning Ordinance and the Subdivision and Land Development Ordinance (Article 1331 et seq.).

1304.09 CONVENIENCE STORE

- a) **Residential District Restriction** Convenience Stores permitted in mixed residential districts (RM & CN) shall not be permitted to sell gasoline.
- b) **Trash Receptacles** Outside trash receptacles and dumpsters are required as per the City's specifications.
- c) **Hours** Hours of operation are permitted up to 24 hours.
- d) **Storage** On-lot outside storage is prohibited. Garbage dumpsters are permitted.
- e) **Location Restriction** Operations are not permitted to establish within 1,500 lineal feet in all directions of existing Mom and Pop grocery stores, convenience stores, and similar commercial retail establishments.
- f) **Parking** Convenience stores must address the parking standards of Article 1310, Parking.
- g) **Signs** Signage visible from the street in all districts must comply with Article 1309, Signs.

1304.10 DORMITORY

- a) **Habitable Floor Area** Dormitories shall provide at least two hundred (200) square feet of gross floor area for each occupant.
- b) **Codes** The dwelling must meet all applicable City Health, Building and Fire codes. The facility shall comply with all other applicable safety and fire codes of the Federal, State and Local government.
- c) **Maintenance** If the facility is off the main campus, the parent institution shall operate and maintain the dormitory in harmony with, and in appropriate appearance to the character of the general vicinity in which it is located.
- d) **Length of Stay** Dormitories must primarily provide living arrangements for students during a school semester.
- e) **Sorority and Fraternity** A dormitory whose primary purpose is to provide living accommodations for Sorority and Fraternity membership must be under the administration of the parent institution. The facility must be maintained by paid staff of the parent educational facility.
- e) **Parking** Parking must be provided in accordance with Article 1310, Parking.

- g) **Signage** Signs shall be allowed in accordance with Article 1309, Signs.

1304.11 EATING ESTABLISHMENTS

- a) **Sit Down Eating Establishments** All sit down eating establishments with Bring-Your-Own-Bottle (B.Y.O.B.) activities are considered and defined as a BYOB Restaurant under Article 336, and subject to the requirements of that article and the following:
- 1) **Hours of operation** It shall be unlawful for any person or persons who own, operate, lease, manage or control a B.Y.O.B. Club to remain open and/or to transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day.
 - 2) **Permit** A club may not conduct activities to which this Ordinance applies without possessing a valid Club permit, issued in accordance with Article 336, B.Y.O.B. Clubs.
 - 3) **City Codes** The facility must be in compliance with all applicable City Health, Building and Fire codes.
 - 4) **Signage** Hours of operation must be conspicuously posted at the business entrance such that patrons are sufficiently apprised of the same. The provisions of Article 1309, Signs, must be addressed.
- 4) **Parking** The standards of Article 1310, Parking, must be addressed.

1304.13 HELISTOP

- a) **Prohibited** No fuel service, maintenance or overhaul facilities shall be included.
- b) **Landing Area Minimum** A minimum landing area of 100 feet by 100 feet shall be provided except for rooftop land areas, which shall have a minimum landing area of 40 feet by 40 feet.
- c) **Fencing, Screening** All landing areas, except for rooftop landing areas higher than 35 feet, shall be surrounded by a fence at least eight (8) feet in height or screening in accordance with Section 1306.02 Screening and Buffering. (Revised June 19, 2001 Bill 4 Ordinance 4)
- d) **Adjoining Land Uses** The proposed helistop shall not adversely affect adjoining land uses, the safety of nearby residents or employees, or the future growth and development of the area.

Updated 6/19/2001

- e) **Accessory Use** The proposed helistop shall be permitted only as an accessory use to a permitted use in the Zoning district in which the helistop is proposed.

1304.14 HOME OFFICE

- a) **Traffic** The use shall not generate any additional vehicular and pedestrian traffic.
- b) **Visibility** There shall be no visible evidence from the street that a business is located on the property.
- c) **Equipment** Office equipment may include: a computer, typewriter, telephone, file cabinets, desk or drafting table, etc. A photocopier is permitted if it is not used for a reproduction service business but accessory to an office business use.
- d) **Location** The use shall be contained within the principal structure.
- e) **Signs** Signage for the home office shall be permitted in accordance with Article 1309 of this ordinance.
- f) **Licensure, Requirements** All local licensing and permit requirements/standards must be met.

1304.15 HORTICULTURE

- a) **Residential, Open Space District Restriction** In Single-Family Attached Residential Districts and Open Space Districts, any products sold in conjunction with such use shall be limited to wholesale trade of those products grown or raised on the lot.
- b) **Commercial, Industrial District Restriction** In Highway Commercial Districts and Light Industrial Districts, any sales area shall be limited to the provisions set forth for drive-in produce stands (1305.13).

1304.16 HOTEL AND MOTEL

- a) **Bathrooms** A hotel or motel shall have bathroom facilities in each individual guest room.
- b) **Cooking Facilities** A hotel or motel shall have no facilities for cooking in individual guest rooms.
- c) **Accessory Uses** Accessory uses must be ancillary and subordinate to the residential portion of the hotel/motel not exceeding 35% of the gross floor area.
- d) **Compensation** Compensation shall be charged on a daily basis.
- e) **Frontage, Access** A hotel or motel shall have frontage on and access to an arterial or collector street, except in the Commercial Highway zoning districts where entrance can be from an access road.
- f) **Buffering, Screening** Buffering and screening shall be provided as necessary to adequately protect adjacent residential properties. This includes, but is not limited to, fences, walls, plants and open space.
- g) **Signs** shall be allowed in accordance with Section 1309.10, Regulations of Signs by Zoning District: Commercial Districts.
- h) **Parking** Such uses must meet parking standards of Article 1310, Parking.

1304.17 JUNK YARD

- a) **Fencing** The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high sight-tight (opaque) fence.

- b) **Visibility** No material may be stored or stacked so that it is higher than the fencing provided so that material is not visible from adjoining properties and roads.
- c) **Additional Requirements** All additional Federal and State laws shall be satisfied.
- d) **Fencing, etc.** Fencing, screening and buffering requirements of Article 1306.02, Screening and Buffering, must be met.
- e) **Materials** The storage of hazardous material is prohibited.

1304.18 MANUFACTURING, LIGHT AND HEAVY

- a) **Light Industrial Districts** In Light Industrial Districts, light industrial uses are limited to the following: manufacturing, processing and packaging of eatery products, pasta, etc; drugs and pharmaceutical preparations; perfumes; cosmetics; electrical lighting and wiring; electronic components, optical instruments, lenses, dental and medical instruments; household instruments; sports equipment; apparel; footwear; luggage, leather and other finished products made from fabrics, rubber, leather and similar materials; and printing, graphic reproduction and allied services including manufacturing of manifold business forms, greeting cards, bookbinding, typesetting and photoengraving.
- b) **Prohibited** All uses permitted in a Heavy Industrial Districts are prohibited in Light Industrial Districts.
- c) **Special Exception** Any light manufacturing use not specifically prohibited in Light Industrial Districts is permitted by special exception subject to the general provisions stated in Section 1311.07(a)3, Special Exception General Provisions. The use must comply with the appropriate light industrial standards outlined in Article 1308, Environmental Standards.
- d) **Heavy Industrial Districts** In Heavy Industrial Districts, the following heavy industrial uses are permitted: manufacturing, processing and packaging of flour, grain, etc.; distilling, rectifying, blending, brewing and alcohol manufacturing; processing and packaging of shortening, fats, oils, etc.; industrial organic and inorganic chemicals, synthetics and man-made fiber, cleaning, polishing and sanitation preparation, surface active agents, etc.; paints, enamels and lacquers, agricultural chemicals, gelatin, fatty acids, glue from animal or vegetable materials, electroplating, manufacturing, assembly, fabricating, working and packaging of ferrous and nonferrous metal products, tanning, curing, processing hides, skins, furs, etc.; engines, turbines, weaponry, farm machinery, etc.; smelting and refining of nonferrous and ferrous metals from scrap, etc.; stone, clay and glass processing and packaging.
- e) **Permitted** All Light Industrial District uses listed in subsection (a) hereof shall be allowed in Heavy Industrial Districts.
- f) **Special Exception Heavy Industrial Districts** In the Heavy Industrial Districts, any manufacturing use not specifically listed in this section (1304.18) is permitted by special exception subject to the general provisions stated in Section 1311.07(a)3, Special Exception. The use must comply with the appropriate heavy industrial standards outlined in Article 1308, Environmental Standards.

1304.19 MINI-WAREHOUSING/SELF-STORAGE

This use intends to provide principal or accessory storage activities that are compatible with neighboring uses and other permitted uses within the district.

- a) **Limit of Activities** No activities other than rental of storage units and pick-up and deposit of storage shall be allowed on the mini-warehouse or storage facility premises.

- b) **Loading, Unloading** Mini-warehousing or self-storage facilities must provide adequate loading and unloading space in accordance with loading standards of Article 1310, Parking.
- c) **Parking** Warehouse uses must provide employee parking in accordance with parking standards of Article 1310, Parking.
- d) **Lighting** All storage facilities must provide adequate lighting of loading and parking areas in accordance with Section 1306.04, Lighting Standards.
- e) **Screening** shall be provided in accordance with Section 1306.02, Buffering and Screening.
- f) **Site Access** The site and facility shall provide adequate vehicular access based on use, frequency and size of transportation vehicles. Street access must be provided in accordance with the general provisions of Section 1306.05, Street Access.
- g) **Storage** Outside storage is prohibited.
- h) **Additional Requirements** The use must meet all applicable City code requirements.
- i) **Hazardous Substances** The storage of hazardous materials, explosives, radioactive material, and flammable materials is prohibited in residential districts and fire districts. Storage of these materials must be in accordance with City, State, and Federal requirements.

1304.20 MOBILE HOME - INDIVIDUAL LOT

- a) **Minimum Lot Size** The minimum size of the lot on which an individual mobile home is established shall be determined by the size of lot required for a detached single-family dwelling unit within the applicable zoning district in which the mobile home is located.
- b) **Requirements** The area of the mobile home stand shall have a minimum dimension of sixty (60) feet by twelve (12) feet and shall be concrete to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift or rotation. Double widths shall be required to have a minimum stand of fifty (50) feet by twenty-four (24) feet. In addition:
 - 1) **Impervious Surface** Individual mobile homes shall not be exempt from the impervious surface ratios that govern each zoning district;
 - 2) **Placement, Removal** The stand shall provide for practical placement on and removal from the lot of the mobile home, and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings;
 - 3) **Stand Location** The location of a mobile home stand shall be at such elevation, distance and angle in relation to the access street that placement and removal of the mobile home is practical;
 - 4) **Gradient** There shall be a longitudinal gradient of zero percent (0%) to five percent (5%) and an adequate crown or cross-gradient for surface drainage.
 - 5) **Stand Integrity** The mobile home stand shall react as a fixed support and shall as such remain intact without unsafe deformation and abnormal internal movement under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other frost action on the structure; and
 - 6) **Supports** Provisions for supports shall be made every twelve (12) feet on centers beginning from the front of the mobile home stand. Open end spacing at the rear line of the mobile home stand shall not exceed three (3) feet.

- c) **Ground Anchors** Ground anchors shall be installed at each mobile home stand prior to or when a mobile home is located thereon to permit tie downs of mobile homes to comply with the requirements of this subsection:
 - 1) **Strength** Each ground anchor when installed and connected to its corresponding tie down shall be capable of resisting an allowable working load equal or exceeding 3,150 pounds applied in the direction of its corresponding tie down. The deflection under this load at the point of connection shall not be greater than one-fourth inches measured subsequent to normal tie down conditions. In addition, each ground anchor shall be capable of withstanding a fifty percent (50%) overload without failure; and
 - 2) **Diagonal Ties** Ground anchors for diagonal ties shall be provided in conjunction with each vertical tie down.
- d) **Grade Orientation** Grades shall slope downward from patios, stands, all walls, skirting and foundations to drainage swales or on-street drainage systems.
- e) **Items Concealed** The axles, wheels, crawl space storage area and utility connections of all mobile homes shall be concealed from view.
- f) **Skirting** Skirting shall be of durable all-weather construction as manufactured specially for the purpose of covering the undercarriage area. Skirting shall be fastened in accordance with manufacturer's instructions and provide for adequate ventilation as necessary.
- g) **Height, Lowering** In areas where the average single-family home is one (1) story in height, low profiling or the lowering of the mobile home to the ground by depressing the supporting foundation below grade shall be accomplished. At least twelve (12) inches of height shall be maintained between the ground and the home to allow adequate ventilation and servicing of utility lines.
- h) **Height, Raising** In areas where the average single-family home is two stories or more in height, high profiling or the raising of the mobile home above the ground upon permanent foundations shall be accomplished.
- i) **Landscaping** The provisions of Section 1306.08 Landscaping and 1306.09 Landscaping, Ground Cover, and Street Tree Maintenance must be addressed.
- j) **Accessory Buildings** Any accessory buildings, such as a garage, utility shed or other out building constructed on the tract, shall conform with the standards applicable to such structures as contained in this Zoning Ordinance.
- k) **Compliance** Any mobile homes proposed shall meet the specifications for manufacture of mobile homes as set forth in United States Standards Institute Standards for Mobile Homes, USA Standard A 119.1, NFPA No. 501B-1968, and any subsequent modification or amendment of such standards.

1304.21 MORTUARIES

- a) **Frontage, Access** Mortuaries shall have frontage on and access to an arterial or collector street in all Zoning districts where allowed.
- b) **Residential District Conditions** In Mixed Residential Districts and Residential Office Districts, mortuaries shall be established only within existing principal buildings in addition to authorized extensions thereto.
- c) **Parking** Mortuaries must address the parking standards of Article 1310, Parking.
- d) **Signs** Signage visible from the street in all districts must comply with Article 1309, Signs.

1304.22 NURSING FACILITIES

- a) **Licensure** The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Area** Space for social and welfare facilities, such as cafeterias, dining halls, community rooms, workshops and other essential service facilities, shall not occupy more than thirty-five percent (35%) of the total floor area.
- c) **Parking** Parking for employees and visitors must be provided on-site. Loading spaces should be provided at the rear or side of the property. Additional parking standards in Article 1310, Parking, must be addressed.
- d) **Screening** All outside storage and dumpsters should be screened.
- e) **Sidewalks** Sidewalks should be provided along street frontage and parking lots to building entrances.
- f) **Signs** Outside signage for accessory uses is prohibited. Signage visible from the street in all districts must comply with Article 1309, Signs.
- g) **Open Spaces** At least twenty percent (20%) of the lot area should be devoted to open space. In zoning districts where the minimum lot area requirements are greater than twenty percent (20%), the more restrictive lot area requirements of the zoning district shall be complied with.

1304.23 OFFICE, CONTRACTOR'S

- a) **Storage in Residential Districts** Storage of contractor's equipment and material in residential, mixed residential, residential office, and commercial neighborhood zoning districts is prohibited.
- b) **Storage in Commercial Districts** All storage in commercial districts must meet the standards of §1304.24 (a), (b) & (c), Outside on-lot storage, or be wholly enclosed in the dwelling, building, or accessory structure. Fencing may be required for security and safety reasons.
- c) **Storage of Commercial Vehicles** These provisions shall be applicable in all zones:
 - 1) **Inside Parking, Storage** Parking or storage of a commercial vehicle is permitted at any time inside an enclosed structure, where the structure conforms to the zoning requirements of the particular district;
 - 2) **Outside Parking Storage** Parking or storage is permitted outside only in the side yard, the rear yard, or partially in both as required by requirements of the zoning district or Section 1307.01, Setback Modifications, on an improved parking pad or parking lot; and
 - 3) **Loading, Servicing** A vehicle may be parked on-street during active loading, unloading or servicing of the unit for a period of time not in excess of eight (8) hours during a twenty-four (24) hour period.
- d) **Manufacturing/Sales** No assembling, manufacturing, processing or retail sales shall be conducted on the property in residential, mixed residential and residential office zoning districts.
- e) **Parking** Contractor's office must address the parking standards of Article 1310, Parking.
- f) **Signs** Signage visible from the street in all districts must comply with Article 1309, Signs.

1304.24 OUTSIDE ON-LOT STORAGE

- a) **Outside Storage** Outside storage is permitted in all districts provided no part of the street right-of-way, sidewalk or other area intended or designed for pedestrian use, required parking area or front yard shall be occupied by outside storage or display.
- b) **Area** In residential, special, commercial waterfront, neighborhood commercial, central business and light industrial districts, outside storage and display areas shall occupy an area of less than one-half the existing building coverage. For all residential districts storage must be provided in the permitted building area.
- c) **Screening** In residential and special districts, outside storage and display areas shall be shielded from view from the public streets and any adjacent residences. In all districts, the height limitations shall be no higher than the screening provided. Screening requirements are found in Section 1306.02, Buffering and Screening.
- d) **Storage of Recreational Vehicles** These provisions shall be applicable in all zones except for recreational vehicle sales lots, which shall be exempt from these provisions:
 - 1) **Inside Parking, Storage** Parking or storage of a recreation vehicle is permitted at any time inside an enclosed structure, where the structure conforms to the zoning requirements of the particular district;
 - 2) **Outside Parking, Storage** Parking or storage is permitted outside only in the side yard, the rear yard, or partially in both provided the vehicle is not located nearer than two (2) feet to the side or rear lot line. The vehicle may be parked anywhere on the lot temporarily for loading activities not to exceed twenty-four (24) hours;
 - 3) **Dwelling Purposes** While parked or stored, a recreation vehicle, trailer, or boat shall not be 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 one (1) calendar year;
 - 4) **Utility Connection** The vehicle shall not be permanently or temporarily connected to sewer lines, or permanently connected to water or electrical lines;
 - 5) **Storage** The vehicle shall not be used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use; and
 - 6) **Loading, Servicing** A unit may be parked on-street during active loading, unloading or servicing of the unit for a period of time not in excess of thirty-six (36) hours.
- e) **Motor Vehicles** Except as provided for in other regulations, no inoperative, unlicensed, currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises
Exceptions:
 - 1) A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a building that complies with all building codes and has a Certificate of Occupancy for such activity.
 - 2) One inoperative, unlicensed, currently unregistered motor vehicle may be stored in a fully enclosed building that complies with all building codes.
 - 3) If the lawful principal use of the property on which such vehicles are located involves the repair, storage, or disposal thereof, these vehicles are exempt from the requirements of this subsection.
- f) **Junk Yards** Storage areas of junk over 400 square feet in size are defined as junk yards (1302.64) and are prohibited.

1304.25 RECREATION AND ENTERTAINMENT FACILITIES, COMMERCIAL

- a) **Location** All outdoor facilities shall be limited to Commercial Waterfront Districts and Highway Commercial Districts.

- b) **Commercial Waterfront Districts** In Commercial Waterfront Districts, special and adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties shall be taken including, but not limited to:
 - 1) **Frontage** Frontage of an arterial or collector street;
 - 2) **Setback** Mandatory building setback and yard requirements of 25 feet along all lot lines;
 - 3) **Acoustics** Adequate acoustical treatment of the building; and
 - 4) **Screening** Adequate screening in accordance with Article 1306, Infrastructure, for visual or acoustical purposes or both.
- c) **Parking** Recreation and entertainment facilities must address the parking standards of Article 1310, Parking.
- d) **Signs** Signage visible from the street in all districts must comply with Article 1309, Signs.

1304.26 SCRAP YARD

- a) **Materials Storage** Storage of materials is limited to paper, glass, wood, metal and plastics. Storage of other materials will be permitted if they are reusable materials that can be processed into raw materials for manufacturing.
- b) **Performance Standards** A written statement shall be submitted by the applicant explaining how the Performance Standards of Article 1308, Environmental Standards, shall be complied with.
- c) **Maintenance** A written statement shall be submitted by the applicant explaining how the regular maintenance of the site will assure the immediate collection of stray debris.
- d) **Loading and Unloading** Loading and unloading activity facilities shall be provided on-site and access shall be limited to posted hours. No unauthorized dumping shall be allowed.
- e) **Screening** The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high sight-tight fence.
- f) **Material Visibility** No material may be sorted or stacked so that it is higher than the fencing provided.
- g) **Additional Requirements** All additional Federal and State laws shall be satisfied.

1304.27 SHOPPING CENTER

- a) A shopping center requiring subdivision or land development approval must provide the following:
 - 1) **Ownership** The shopping center shall be under single ownership of an integrated design for development consisting of three or more distinct commercial areas separated by physical barrier or through a lease arrangement;
 - 2) **Traffic Study** During Land Development review, a traffic study shall be conducted and presented to the City for review and analysis. The traffic study shall be prepared by a certified traffic engineer, or alternative traffic expert acceptable to the Planning Bureau. The scope of the study shall include internal circulation but not be limited to parking capacity; and an analysis of traffic movements to the nearest arterial street. The Bureau shall be provided with sufficient evidence regarding the marketing and leasing arrangements to make a reasonable study of the proposal;
 - 3) **Access, Lot Lines** The shopping center development shall be within the lot lines of the development. Access to parking, loading and service areas shall be controlled by means of access roads;
 - 4) **Screening** shall be accomplished between the shopping center and adjoining residential districts in accordance with Article 1306.02, Buffering and Screening; and
 - 5) **Signs** Signs shall be allowed in accordance with Article 1309, Signs.

- 6) **Parking** Parking requirements of Article 1310, Parking, must be met.

1304.27.5 Stadium

- a) **Parking** Standards of Article 1310, Parking, must be met.
- b) **Dimensional Requirements** Except as modified in this section, dimensional requirements found in the underlying zoning district may be waived by City Council if the stormwater management provisions of the Land Development/Subdivision ordinance are met or such provisions are waived by York City Council through the Land Development approval process.
- 1) **Lot Coverage** The combined coverage of building and impervious surfaces shall not exceed 50% of lot area.
 - 2) **Building Setback** The minimum building setback shall not be less than the required setback of the adjacent zoning district of the property directly abutting at that line.
 - 3) **Height** The maximum building height at the setback line shall be limited to the maximum building height of the adjacent zoning district of the property directly abutting at that line. The maximum building height shall increase one (1) foot for each additional one-foot of setback of any structure from the building setback line.
- c) **Traffic** The applicant shall provide an analysis of the physical conditions of the primary road system servicing the proposed use, including the adequacy of site access for automobiles, buses, trucks, and pedestrians. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use, and shall address the need, if any, for special-event traffic management planning. The analysis shall stipulate the number and location areas and demonstrate their adequacy.
- d) **Signs** A proposed exterior signage plan shall be provided by the applicant, which shall include a proposal for off-premises signs and a plan for internal site wayfinding signage.
- 1) The number, size, and placement of signs shall be in accordance with 1309.10, Regulation of Signs by Commercial Zoning Districts.
 - 2) The number and size of signs shall not exceed the minimum needed to direct patrons to the facility, to identify the facility, and to announce event information to the public.
 - 3) Signs shall not be sized, located, or designed so as to present a safety hazard when viewed from adjacent properties or public roadways.
- e) **Lighting** The applicant shall provide a lighting plan and impact study. The plan shall make all reasonable efforts to direct glare away from adjacent residential uses.
- 1) Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (5/10) foot candles when measured by a hand held NIST certified light meter in a residential or special district.
- f) **Noise** A plan and impact study regarding sound amplification, public address systems, and other noise-generating activities in the stadium shall be provided, and shall make reasonable efforts to address the impact of such noise on adjacent property.
- 1) Noise generated by activities in the stadium or on the stadium site may not exceed the levels stipulated in 1308.02(c)(2) Maximum Permissible Sound Levels for Commercial Districts, or the noise level generated by the current use of the property, whichever is greater.
 - 2) Stadiums must comply with 1308.02(d) Deviations from Maximum Permissible Sound Levels, except that restricted hours shall be 11 p.m. to 7 a.m.
- g) **Refuse and Litter** The applicant shall present a plan describing the manner in which refuse and litter will be controlled to prevent the unreasonable accumulation of refuse in the stadium, the stadium site, and its parking areas.
- 1) All refuse and litter shall be removed from the stadium, the stadium site, and its parking areas within 24 hours of the completion of each event held in the stadium or on the stadium site. During multi-day events, all refuse and litter shall be removed at the completion of each day's activities.

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- h) **Accessory Uses** The applicant shall describe the degree to which, and manner in which, accessory uses are incorporated in the stadium.
 - 1) Accessory uses shall be limited to the following: banquet halls, food and beverage service, retail operations, administrative offices directly associated with the principal uses or permitted accessory uses, training and education facilities directly associated with the principal use, and other uses as City Council determines fit.
 - 2) Accessory uses shall be limited to 30% of the area of the principal building unless the developer can demonstrate that a higher percentage is necessary for financial viability of the stadium.

- i) **Landscaping and Buffering** The applicant shall present a general site landscaping and buffering plan designed to show proposed areas of landscaping and buffering, with particular regard to buffering areas where the stadium or parking lot areas adjoin adjacent residential property.
 - 1) The ten percent (10%) of the total area of parking lot normally required as landscaped area within the parking area by 1306.08 Landscaping, shall instead be located and arranged at the perimeter of the stadium and its on-site parking to provide enhanced buffering where the stadium site abuts residential zoning districts.

1304.28 VETERINARY OFFICE OR HOSPITAL FOR HOUSEHOLD PETS

- a) **Lot Area** Where only household pets are to be treated, such as dogs, cats and birds, the hospital or office shall have a minimum lot area as specified for the district in which it is located. In districts where the minimum lot area is "none" for permitted principal uses, the minimum lot area shall be 10,000 square feet.

- b) **Special Exception** Special exception requirements for large animals are located in Section 1305.37 Veterinary Hospital and Offices.

- c) **Parking** Veterinary offices and hospitals must address the parking standards of Article 1310, Parking.

- d) **Signs** Signage visible from the street in residential districts must comply with Article 1309, Signs.

Updated 6/17/2003

**ARTICLE 1305
SPECIAL EXCEPTIONS**

1305.01	Use Standards and Criteria
1305.02	Adult Care Facility
1305.03	Adult Entertainment Facilities
1305.04	Animal Husbandry, Kennel or Stable
1305.05	Apartment or Apartments Combined with a Commercial Use
1305.06	Bring-Your-Own-Bottle Club
1305.07	Child Care Center
1305.08	Communication Transmitting and Receiving Facilities, Commercial
1305.09	Convenience Store with Gasoline Service
1305.10	Conversion Apartments - Multi-family Dwelling Units
1305.11	Conversion - Commercial, Industrial and Institutional Buildings
1305.12	Domiciliary Care Home
1305.13	Drive-in Produce Stand
1305.14	Dwelling, Single-Family & Multi-family
1305.15	Eating Establishment
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1305.19	Heavy Vehicle Repair Facilities
1305.20	Home Occupation
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1305.22	Hotel Apartment/Efficiency
1305.23	Industrial Park
1305.24	Manufacturing, Light and Heavy
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1305.26	Mobile Home Parks
1305.27	Mom and Pop Grocery Store
1305.28	Multiple-Family Dwellings
1305.29	Nonconformity Change from One to Another
1305.30	Parking Lot or Parking Garage
1305.31	Personal Care Facility
1305.32	Quarrying, Processing, Storage and/or Sale of Stone and Related Products
1305.33	Recycling Facilities
1305.34	Rooming House
1305.35	Sanitary Landfills and Processing Facilities
1305.36	Service Stations; Gasoline, Motor Vehicle, Repair
1305.37	Veterinary Offices or Hospitals for Non-Household Pets (e.g. farm animals)
1305.38	Warehouse Distribution and Wholesale Business

CROSS REFERENCES

District Regulations - see P & Z Article 1303
Environmental Standards - see P & Z Article 1308
Signs - see P & Z Article 1309 Off-Street Parking - see P & Z Article 1310
Floodplain - see P & Z Section 1303.21

1305.01 USE STANDARDS AND CRITERIA

- a) **Regulations and Requirements** Regulations for each Zoning district pertaining to minimum lot size, minimum lot width, maximum lot coverage, maximum impervious surface coverage, minimum open area and yard requirements are specified in Article 1303, Districts, Maps, Boundaries. The purpose of this article is to supplement Article 1303 with additional requirements applicable to certain permitted uses requiring a special exception. In addition to the general provisions for all special exceptions, as contained in Article 1304, General Provisions, specific standards for the particular uses allowed by special exception are set forth in this article. These standards shall be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones. In cases where the provisions of this article are more restrictive than the general district regulations contained in Article 1303, the provisions of this article take precedence.
- b) **Improvements and Standards** All uses shall conform to Article 1306, Infrastructure; Article 1308, Environmental Standards; Article 1309, Signs; and Article 1310, Parking.
- c) **Nonconformities** Regulations applying to lots, buildings and uses in existence prior to the effective date of this section shall be governed by Article 1307, Modifications/Nonconformities.

1305.02 ADULT CARE FACILITY

- a) **Licensing** The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Signs** Signage visible from the street in residential districts must comply with Article 1309, Signs.
- c) **Garbage** Adult care daily operations must screen and secure all outdoor trash and garbage facilities.
- d) **Parking** The adult care facilities shall provide parking in accordance with Article 1310, Parking.
- e) **Indoor Space** Adult care facilities shall provide at least a minimum of 500 square feet of indoor space.

1305.03 ADULT ENTERTAINMENT FACILITIES

- a) **Outside Display Prohibitions** No material, merchandise, film or lewd advertising shall be permitted to be exhibited or displayed outside of a building or structure.
- b) **Illumination** Any building or structure used and occupied as an adult entertainment facility shall not have exterior flashing, rotating and/or oscillating lights to attract the attention of the public.
- c) **Signs** No sign shall be erected upon the premises depicting or giving a pictorial representation of the type of materials, merchandise, film or lewd advertising offered therein. The standards of Article 1309, Signs, must be addressed.
- d) **Entrance Notice** Each entrance door to the premises shall be posted with a notice at least 8 1/2 by 11 inches in size specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended by goods or services offered inside.
- e) **Location** An adult entertainment facility shall not be located within 1,000 feet of another adult entertainment facility, any public or private school, child care facility, public recreation facility or any house of worship. An adult entertainment facility shall not be located within 500 feet of an existing dwelling unit.

- f) **Window Coverings** An opaque covering is required over all windows or doors of any area in which materials, merchandise, film or lewd advertising could be visible from the outside of the building or structure.
- g) **Parking** Adult entertainment facilities must address the parking standards of Article 1310, Parking, based on the nature of the commercial use.

1305.04 ANIMAL HUSBANDRY, KENNEL OR STABLE

- a) **Area** A minimum lot area of one (1) acre shall be provided.
- b) **Dimensional Requirements** No manure storage, animal shelters, feed yards or similar agricultural accessory uses shall be located closer than 200 feet from any lot line or district boundary.
- c) **New Building Construction** Animal husbandry shall be considered a temporary use; thus, the construction of new buildings that, by their size or nature shall inhibit future building development, shall not be permitted.
- d) **Open Space Districts** In Open Space Districts, no new structures shall be built in the floodplain as established in Article 1303.21, FP Floodplain Overlay District.
- e) **Odor** No use that is characteristically odor-producing shall be permitted. The standards of Article 1308, Environmental Standards, must be addressed.

1305.05 APARTMENT OR APARTMENTS COMBINED WITH A COMMERCIAL USE

- a) **Requirements** The commercial use must be permitted within the respective zoning district. The provisions of this section apply to existing single-family dwellings and existing licensed multi-family dwellings. Such uses are subject to the requirements of the Zoning district except as modified and provided below:
 - 1) **Parking** Parking requirements shall be provided for both the existing residential use and the proposed commercial use as identified in Article 1310, Parking.
 - 2) **Non-Applicability** Under no circumstances shall this section be applicable to the conversion of a single-family dwelling to a multi-family dwelling; and
 - 3) **Conversion** Under no circumstances shall a portion of a residential unit be converted to commercial space unless the remaining portion of the residential unit complies with the following table and other applicable codes (i.e., a single-family dwelling converted to a single apartment with commercial space, a 3 unit multiple dwelling converted to a 3 unit multiple dwelling with commercial space, etc.) This standard is not applicable if the number of units is reduced to create commercial space.

<u>A.</u>	<u>Bedroom Dwelling Unit</u>	<u>Minimum Habitable Floor Area (sq. ft.)</u>
	1	550
	2	700
	3	850
	4	1,000

- 4) The minimum lot area shall be 3,000 sq. ft. in all zoning districts, except the RM zoning district which shall have a minimum lot area of 2,000 sq. ft.

1305.06 BRING-YOUR-OWN-BOTTLE CLUB (B.Y.O.B)

- a) **Hours of operation** It shall be unlawful for any person or persons who own, operate, lease, manage or control a B.Y.O.B. Club to remain open and/or to transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day.

- b) **Permit** A club may not conduct activities to which this Ordinance applies without possessing a valid Club permit, issued in accordance with Article 336, B.Y.O.B. Clubs.
- c) **City Codes** The facility must be in compliance with all applicable City Health, Building and Fire codes.
- d) **Signage** Hours of operation must be conspicuously posted at the business entrance such that patrons are sufficiently apprised of the same. The provisions of Article 1309, Signs, must be addressed.
- e) **Parking** The standards of Article 1310, Parking, must be addressed.

1305.07 CHILD CARE CENTER

- a) **Licensure** The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Outdoor Play Areas** Child care centers shall have at least forty (40) square feet of outdoor play space for each child. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children. Outdoor play areas must be screened in accordance with Article 1306.02, Buffering and Screening. Child care centers in the Central Business District (CBD) zoning district may substitute twenty-five percent (25%) of the required outdoor play area with indoor play area.
- c) **Parking** The center should provide adequate parking and loading space in accordance with Article 1310, Parking. Adequate vehicle stacking space must be provided for drop-off/ pick-up of children.
- d) **Signs** Signage visible from the street must comply with Article 1309, Signs.
- e) **Indoor Play Areas** There should be fifty (50) square feet of indoor play space for each child.
- f) **Residential Districts** In residential districts, the childcare center must be an accessory use either to the building or business. Regardless of zoning, properties within the Southeast Overlay Zoning District can establish a childcare center as a principal use. (12/17/98 Bill 22 Ord. 20)
- g) **CBD and IL Districts** In the CBD and IL zoning districts, the child care center must be an accessory use either to the building or business.
- h) **Additional Requirements** All local licensing and permit requirements/standards shall be met.

1305.08 COMMUNICATION TRANSMITTING AND RECEIVING FACILITIES, COMMERCIAL

- a) **Permitted** Communication transmitting and receiving facilities shall be permitted only if such proposed use is essential to service the surrounding community, and no public business office shall be operated in connection with any such uses.
- b) **Prohibited Associated Uses** No storage yard, storage building or repair facilities shall be operated in connection with such use, except in industrial districts.
- c) **Buffering** All such facilities and any associated with communication transmitting and receiving facilities shall be buffered in accordance with Article 1306.02, Buffering and Screening, when located in a residential district.
- d) **Height** Structures should not be higher than the maximum building height allowed in each zoning district.

1305.09 CONVENIENCE STORE WITH GASOLINE SERVICE

- a) **Dumpsters** Outside trash receptacles and dumpsters are required as per the City's specifications.
- b) **Hours of Operation** Hours of operation are permitted up to twenty-four (24) hours in a day.
- c) **On-Lot Outside Storage** On-lot outside storage is prohibited.
- d) **Spacing Requirements** Operations are not permitted to establish within 1,500 lineal feet in all directions of existing Mom and Pop grocery stores, convenience stores, and similar commercial retail establishments.
- e) **Auto Repair** Facilities for major repair, body or fender work, painting, vehicular rental, automatic car washes or tire recapping shall not be provided.
- f) **Gasoline Service Stations** shall have no repair work, other than minor adjustments done while pumping gasoline, performed out-of-doors.
- g) **Lot Area** Gasoline service stations shall have a minimum lot area of 3,000 square feet.
- h) **Pump Location** Pumps should be located in the front yard within twenty (20) feet from any street line. The clear sight triangle must be maintained according to Section 1307.01(a), Unobstructed Vision at Street Intersection.
- i) **Signage** Signage visible from the street must comply with Article 1308, Signs.
- j) **Parking** Stores must address the parking standards of Article 1310, Parking. The parking standards of both uses, gasoline service and convenience store, must be combined.

1305.10 CONVERSION APARTMENTS - MULTI-FAMILY DWELLING UNITS

- a) **Permitted** Conversion apartments - multi-family dwelling units are permitted as special exceptions in RS2, RM, RO, CN, CG, CBD and CW Districts. The provisions of this section apply only to the proposed conversion of existing dwellings (i.e., single-family dwelling converted to two (2) or more dwelling units, a 3 unit multi-family dwelling converted to 4 or more dwelling units, etc.). Proposed conversions are subject to the requirements of the zoning district in which the property is located, except as herein modified and provided below:
 - 1) **Dwelling Conversion** Under no circumstances shall the conversion of a single-family dwelling to a multi-family dwelling be considered or construed to be an allowable use under this section of the Zoning Ordinance unless all of the following criteria are met:
 - A. **Dwelling Size** The total square footage of the single-family dwelling exceeds 2,800 square feet of habitable floor area;
 - B. **Vacancy** The single-family dwelling has been vacant and marketed for over five (5) years;
 - C. **Hazard** The vacant and unimproved single-family dwelling would pose negative health and safety issues if it is to remain; and
 - D. **Habitable Floor Area** The minimum habitable floor area per dwelling for units established under this subsection (1) shall be seven hundred (700) square feet. For single-family dwelling conversions only, this standard shall take precedence over subsection (8) Habitable Floor Area for efficiency and one (1) bedroom apartments.
 - E. **Other Requirements** The criteria of the remaining subsections are met.
 - 2) **Existing Commercial Space** Existing first floor commercial space shall not be converted to a residential unit or units if located within the CN, CG or CBD zoning districts.

- 3) **Non-Residential Conversion** Under no circumstance shall a commercial, institutional, industrial or mixed-use structures be converted within CN, CG, CBD, and CW Districts unless first floor space with area equivalent to the area of the first floor of the structure be created or preserved for a commercial use permitted in the district;
- 4) **Alteration** No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety. For purposes of this subsection, any addition built that is designed to obstruct the intent of this subsection shall be deemed a structural alteration of the building exterior.
- 5) **Approved Alteration** Any approved structural alteration shall be located on a side of the building not facing a public street.
- 6) **Requirements** The dimensional, parking and other applicable requirements of this Zoning Ordinance for the Zoning district in which such conversion is proposed shall not be reduced, except that the minimum lot area requirements shall be substituted by the following:
 - A) RS2 District: 2,400 sq. ft. of lot area per dwelling unit;
 - B) RO and RM Districts: 2,000 sq. ft. of lot area per dwelling unit;
 - C) CN and CG Districts: 1,800 sq. ft. of lot area per dwelling unit;
 - D) CBD and CW Districts: 750 sq. ft. of lot area per dwelling unit.
- 7) **Restrictions** The following conversion restrictions apply for all Zoning districts:

Total Number Of Conversion Units	Number of Apartments Required to Have 3-4 Bedrooms
2-3	0
4	1
5-8	2
9-12	3
13-20	5
20+	25% of Total

- 8) **Habitable Floor Area** The following minimum habitable floor area per dwelling unit shall apply for residential conversions in all districts:

<u>Bedroom Dwelling Unit</u>	<u>Minimum Habitable Floor Area (Sq. Ft.)</u>
Efficiency	400
1	550
2	700
3	850
4	1000

- b) **Parking** Conversion apartments must address the parking standards of Article 1310, Parking.
- c) **Landscaping** The provisions of 1306.08, Landscaping, must be addressed.

1305.11 CONVERSION - COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL BUILDINGS

- a) **Permitted** Conversion is permitted for large buildings that have little economic usefulness as industrial, commercial or institutional buildings.
- b) **Conversion** Conversion may include either residential apartments, condominiums, specialty shops and offices or a combination thereof.

- c) **Residential Requirements** Where residential conversions are planned, the following method shall be used to determine allowable floor area:

$$\text{Net Site Area} \times \text{ratio of floors to building} = \text{Total Floor Area}$$

- d) **Habitable Floor Area** The following minimum habitable floor area per dwelling unit shall apply for residential conversions:

1) <u>Bedroom Dwelling Unit</u>	<u>Minimum Habitable Floor Area (Sq. Ft.)</u>
Efficiency	400
1	550
2	750
3	1,000

- e) **Units per Acre** In no case shall the number of dwelling units exceed the following dwelling units per acre:

	DISTRICTS					
	<u>RS2</u>	<u>RM</u>	<u>CN</u>	<u>CG</u>	<u>CW</u>	<u>IH</u>
Dwelling units/acre:	18	25	24	24	60	70

- f) **Other Requirements** The dimensional, parking and other applicable requirements of this Zoning Ordinance for the Zoning district in which such conversion is proposed shall not be reduced. Where commercial uses are planned, for vacant buildings in residential districts, the parking requirements in the commercial section of this Ordinance shall take precedence.

- g) **Exemption** In CN, CW, CG and IH Districts and where the existing building exceeds seventy-five percent (75%) building coverage, the conversion is exempt from subsection (e) hereof.

- h) **Parking** All conversions must address the parking standards of Article 1310, Parking.

- i) **Landscaping** The provisions of Section 1306.08, Landscaping, must be addressed.

1305.12 DOMICILIARY CARE HOME

- a) **Licensure** The facility shall obtain a certificate of licensure from the Area Agency on Aging and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Location** The home must be an accessory use located in a single-family attached, detached or semi-detached dwelling unit.
- c) **Cooking, Dining** No facilities for cooking or dining shall be provided in individual rooms or suites.
- d) **Operator** The family residing on the premises shall provide the care associated with a domiciliary care home.
- e) **Operator Residence** The domiciliary care home operator shall reside primarily at the dwelling.
- f) **Parking** Standards of Article 1310, Parking, must be met.

1305.13 DRIVE-IN PRODUCE STAND

- a) **Area** The stand shall not exceed four-hundred (400) square feet of gross floor area for the sale of farm, nursery or greenhouse products produced on the premises where offered for sale.

- b) **Location** The stand shall not be closer than fifty (50) feet to any intersection nor within ten (10) feet of any right-of-way.
- c) **Removal** Temporary stands or shelters not conforming to Building Code Standards existing or hereafter enacted, used for such sales, shall be removed during that period when not in use for the display or sale of products.
- d) **Association with Principal Agricultural Use** No stand shall be erected on a lot except as an accessory use to an established principal agricultural use. Such stand shall be discontinued prior to or coincidental with the disestablishment of its parent agricultural use.

1305.14 DWELLING, SINGLE-FAMILY - MULTI-FAMILY

- a) **EDA District** These regulations apply to areas within the EDA overlay zoning district.
- b) **Evidence** The applicant must submit evidence that the last known use of the property was residential. Dwellings may be restored on a vacant lot, if the applicant provides evidence that the lot was improved with a dwelling within the past twelve (12) months.
- c) **Dimensional Standards** The minimum standards for building size, height, impervious surface, open area shall meet the standards set in the RM zoning district. Non-conforming lot size, width and setbacks may remain, otherwise, the standards of the RM zoning district must be addressed.
- d) **Utilities** The site must have public sewer and water service.
- e) **Parking** Parking standards of Article 1310, Parking, must be met.
- f) **Regulations** The dwelling unit shall comply with all applicable, safety and fire codes of the federal, state and local government. The dwelling shall comply with City Health, Building and Fire codes.
- g) **New Construction** The construction of single-family dwellings or multi-family dwellings or conversion of commercial, industrial, or institutional buildings is prohibited in the EDA district, excluding new construction permitted under subsection (b).

1305.15 EATING ESTABLISHMENT

- a) **Accessory Use** The eating establishment must be an accessory use either to the building or business.
- b) **Sit Down Eating Establishments** All sit down eating establishments with Bring-Your-Own-Bottle (B.Y.O.B.) activities are considered and defined as a BYOB Restaurant under Article 336, and subject to the requirements of that article and the following:
 - 1) **Hours of operation** It shall be unlawful for any person or persons who own, operate, lease, manage or control a B.Y.O.B. Club to remain open and/or to transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day.
 - 2) **Permit** A club may not conduct activities to which this Ordinance applies without possessing a valid Club permit, issued in accordance with Article 336, B.Y.O.B. Clubs.
 - 3) **City Codes** The facility must be in compliance with all applicable City Health, Building and Fire codes.
 - 4) **Signage** Hours of operation must be conspicuously posted at the business entrance such that patrons are sufficiently apprised of the same. The provisions of Article 1309, Signs, must be addressed.

- 5) **Parking** The standards of Article 1310, Parking, must be addressed.

1305.16 EMERGENCY SHELTER

- a) **Codes** The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Accessory Uses** The facility may contain office space for case management, administration, health care, workshops, training and other similar activities. No more than thirty percent (30%) of the building may be used for accessory uses.
- c) **Length of Stay** Clients of the shelter may reside at the property no more than sixty (60) calendar days per year.
- d) **Parking** Emergency shelters must address the parking standards of Article 1310, Parking.
- e) **Signage** Emergency shelters must address the standards of Article 1309, Signs.

1305.17 GROUP HOME

- a) **Codes** The dwelling must meet all applicable City Health, Building and Fire codes.
- b) **Parking** Parking standards of Article 1310, Parking, must be met. Group homes in the CBD zoning district are not exempt from parking requirements.
- c) **Licensure** Group homes must provide a license from all appropriate governmental agencies prior to establishing the use.
- d) **Limitations, Regulations** Group homes shall be subject to regulations of Article 1761 of the Housing Code and the Uniform Construction Code. The Building Official shall determine the building use group.
- e) **Maintenance** A group home shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance to the character of the general vicinity in which it is to be located.
- f) **Alterations** No structural alterations of an existing building's exterior shall be made except as may be necessary for purposes of safety.
- g) **Habitable Floor Area** Any group home shall provide at least two hundred (200) square feet of habitable floor area for each occupant.

Editor's Note: A personal care facility has a separate set of special exception provisions.

1305.19 HEAVY VEHICLE REPAIR FACILITIES

- a) **Permitted, CH IH Districts** The following activities are permitted in CH and IH Districts:
 - 1) The repair of vehicles having three (3) or more axles; and
 - 2) The repair of miscellaneous vehicles including, but not limited to buses, agricultural equipment, construction equipment, railroad equipment, aircraft, etc.

- b) **Permitted, IH Districts** The following activities are permitted in IH Districts only:
 - 1) The storage of the same vehicles listed in subsection (a) hereof; and tire recapping.

- c) **Requirements** Each such heavy vehicular repair facility shall:
 - 1) In CH and IH Districts, have a minimum lot area of 40,000 square feet;
 - 2) In CH and IH Districts, locate all pumps, lubricating and other dispensing devices at least twenty (20) feet from any street line; and
 - 3) In CH Districts, perform all repair work and store all parts, dismantled vehicles and similar articles within a building.

1305.20 HOME OCCUPATION

- a) **General Standards** The following shall apply to all home occupations.
 - 1) **Accessory Use** A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner. Accessory structures may be used for storage. The home occupation shall be carried on solely indoors.
 - 2) **Maximum Area** The maximum amount of floor area devoted to this home occupation shall not be more than twenty-five percent (25%) of the first floor area of the principal residential structure or four hundred (400) square feet, whichever is less.
 - 3) **Residential Character** In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this Ordinance.
 - 4) **Signs** Any signage shall be in accordance with Article 1309, Signs.
 - 5) **Commercial Vehicles** All commercial vehicles shall be parked off-street and in a garage or an enclosed structure.
 - 6) **Parking** The home occupations must have sufficient off-street parking to accommodate both residential and home business uses. Home occupations that will have visitors must meet the requirements of Article 1310, Parking.
 - 7) **Storage** There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
 - 8) **Performance Standards** The work done in the dwelling must not create any objectionable noise, vibration, glare, fumes, odor, dust. No equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the premises. (Also see Article 1308, Environmental Standards)

b) **Specific Use Standards**

1) **Professional and Business Office**

- a) **Definition** A professional or business office is a service oriented occupation conducted within an enclosed area specifically designed for the functional needs of the use, wherein the professional services of the practitioner is the salable commodity offered to the client.
- b) **Employees** Only resident members of the immediate family may be employed.

2) **Personal Service**

- a) **Definition** A service business including barbers, beauticians, manicurist, massage practitioner, tattoo artist, seamstress or photographers.
- b) **Number of Chairs** Personal Service professionals may be permitted to provide no more than one (1) chair in which services are performed for the customer.
- c) **Operator** A person engaged in a permitted home occupation shall be limited to only the operator residing on the premises.
- d) **Zoning Districts** Personal service establishments are prohibited home occupations in the RS2 zoning districts.
- e) **Parking** One (1) additional off-street parking space shall be provided.

3) **Instructional Service**

- a) **Definition** An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The establishment of this home occupation shall not require a room or series of rooms specifically designed for that purpose.
- b) **Number of Students** Instructional services involving a maximum of four (4) students at a time are permitted.
- c) **Operator** A person engaged in a permitted home occupation shall be limited to only the operator residing on the premises.
- d) **Parking** One (1) additional off-street parking space shall be provided for each two (2) students that are seen at one time.

4) **Home Crafts**

- a) **Definition** Home crafts are business activities whereby the commodity for sale is completely manufactured and may be sold on the site by the resident craftsman. Home craftsmen may include, but are not limited to, the following: artists, sculptors, dressmakers, seamstresses and tailors.
- b) **Employees** Only resident members of the immediate family may be employed.
- c) **Retail Activity** All retail activity shall be limited to products created on site.
- d) **Parking** One (1) additional parking space shall be provided if on-site retail sales are conducted.
- e) **Storage** Outside display or storage is prohibited.

5) **Trades Business or Contractor's Office**

- a) **Definition** The use of a residence as a base of operation for the business, but not including the conducting of any phase of the trade on the property. Tradesmen included in this home occupation include, but are not limited to, electricians, plumbers, carpenters, masons, painters, roofers and similar professions.
- b) **Business Vehicles** No more than one (1) business vehicle may be parked on the property and must be stored in an enclosed structure.
- c) **Storage** Storage of materials, either inside or outside an accessory or principal structure is prohibited in the RS2, RM, and RO zoning districts.
- d) **Limit of Activity** No assembling, manufacturing, processing or retail sales shall be conducted on the property.

6) **Repair Services and other Home Occupations**

- a) **Definition** A repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other goods but not including automobile, truck and motorcycle repairs.

- b) **Limit of Activity** All repairs shall be conducted within an enclosed building.
- c) **Storage** There shall be no exterior storage of material or refuse resulting from the operation of the home occupation.
- d) **Employees** No additional people other than resident members of the immediate family may conduct work at the principal dwelling.

1305.21 HOTELS AND MOTELS

- a) **Bathroom** A hotel or motel shall have bathroom facilities in each individual guest room.
- b) **Cooking Facilities** A hotel or motel shall have no facilities for cooking in individual guest rooms.
- c) **Accessory Uses** Accessory uses must be ancillary and subordinate to the residential portion of the hotel/motel or up to thirty-five percent (35%) of the gross floor area.
- d) **Compensation** Compensation shall be charged on a daily basis.
- e) **Frontage, Access** A hotel or motel shall have frontage on and access to an arterial or collector street.
- f) **Buffering, Screening** Buffering and screening shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plants and open space.
- g) **Signs** Signs shall be allowed in accordance with Section 1309.10 Regulations of Signs by Zoning District: Commercial Districts.
- h) **Parking** Such uses must meet parking standards of Article 1310, Parking.

1305.22 HOTEL APARTMENT/EFFICIENCY

- a) **Compensation** Compensation shall be charged on a daily basis.
- b) **Cooking Facilities** Cooking facilities can be provided in rooms.
- c) **Telephones** Telephone service must be provided by the hotel in each room.
- d) **Staff** Hotel staff must be available on a twenty-four (24) hour basis on site.
- e) **Bathrooms** Bathroom facilities must be provided in each individual room.
- f) **Accessory Uses** Accessory uses must be ancillary and subordinate to the residential portion of the hotel-apartment or up to twenty-five percent (25%) of the gross floor area.
- g) **Buffering, Screening** Buffering and screening shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, landscaping and open space.
- h) **Signs** Signs shall be allowed in accordance with Section 1309.10 Regulations of Signs by Zoning District: Commercial Districts.
- i) **Parking** Such uses must meet the parking standards of Article 1310, Parking.

1305.23 INDUSTRIAL PARK

- a) **Access** Primary access shall be via arterial or collector streets as designated in the City Comprehensive Plan.
- b) **Size** A minimum of twenty-five (25) acres is required for designation as an industrial park.

- c) **Buffering, Screening** Buffering and screening shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to fences, walls, plants and open spaces. Such use must be in compliance with standards in Article 1306.02, Buffering and Screening.
- d) **Signs** Signs shall be allowed in accordance with Section 1309.11, Regulations of Signs by Zoning District: Industrial Districts.
- e) **Dimensional Requirement** Each lot shall have a front yard setback of forty (40) feet.

1305.24 MANUFACTURING, LIGHT AND HEAVY

- a) **Zoning Officer Determination** The Zoning Officer shall determine the intensity of the proposed manufacturing use. At the time of the Special Exception application, the applicant shall provide enough technical information, so that the Zoning Officer can determine if the proposed use is a light or heavy manufacturing use. Any determination of the Zoning Officer may be appealed according to Section 1311.04(b)(3), Powers and Duties.
- b) **Performance Standards** The use must comply with the appropriate light or heavy industrial standards outlined in Article 1308, Environmental Standards.
- c) **Burden of Proof** The applicant must provide written documentation that the proposed use will comply with the performance standards of Article 1308, Environmental Standards.
- d) **Heavy Manufacturing Uses** Heavy manufacturing uses must be established in a Heavy Industrial Zoning District.

1305.25 MINI-WAREHOUSING/SELF-STORAGE

This use intends to provide principal or accessory storage activities that are compatible with neighboring uses and other permitted uses within the district.

- a) **Limit of Activities** No activities other than rental of storage units and pick-up and deposit of storage shall be allowed on the mini-warehouse or storage facility premises.
- b) **Loading, Unloading** Mini-warehousing or self-storage facilities must provide adequate loading and unloading space in accordance with loading standards of Article 1310, Parking. No loading activity may occur within a public right-of-way. Adequate vehicle maneuvering space shall be provided on-site.
- c) **Parking** Warehouse uses must provide employee parking in accordance with parking standards of Article 1310, Parking.
- d) **Lighting** All storage facilities must provide adequate lighting of loading and parking areas in accordance with Section 1306.04, Lighting Standards.
- e) **Screening** Screening shall be provided in accordance with Section 1306.02, Buffering and Screening.
- f) **Site Access** The site and facility shall provide adequate vehicular access based on use, frequency and size of transportation vehicles. Street access must be provided in accordance with the general provisions of Section 1306.05, Street Access.
- g) **Storage** Outside storage is prohibited.
- h) **Additional Requirements** The use must meet all applicable City code requirements.

- i) **Hazardous Substances** The storage of hazardous materials, explosives, radioactive material, and flammable materials is prohibited in residential districts and fire districts. Storage of these materials must be in accordance with City, State, and Federal requirements.

1305.26 MOBILE HOME PARKS

- a) **Compliance** All appropriate provisions of the Subdivision and Land Development Ordinance shall be met.
- b) **Site Area** A site area of not less than one (1) acre shall be provided.
- c) **Lot Area** A minimum lot area of 3,000 square feet per mobile home shall be provided.
- d) **Requirement** Each mobile home lot shall be provided with a hard surfaced mobile home stand providing a foundation that shall not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile home stand shall be equipped with appropriately designed utility connections and shall have minimum dimensions of fifty (50) by twenty-four (24) feet. The space between the floor of the mobile home and the mobile home stand shall be enclosed to conceal all supports and utility connections.
- e) **Dimensional Requirement** Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty-five (25) feet and rear yards shall not be less than ten (10) feet and in no case shall the distance between any two mobile homes be less than thirty (30) feet.
- f) **Floodplain** Where permitted within any floodplain area, all manufactured homes, any improvements thereto shall conform with the requirements of Section 1303.21, Floodplain Overlay District.

1305.27 MOM AND POP GROCERY STORE

- a) **Area** Gross floor area designated to display retail sale items is limited to five-hundred (500) square feet.
- b) **Storage** Storage accessory to the retail use is permitted but is limited to twenty-five percent (25%) of the total gross floor area devoted to display of retail sales.
- c) **Employees** Employees are limited to the operator and operator's family members residing on the premises.
- d) **Hours** Hours of operation are limited to sixteen (16) hours or fewer per day.
- e) **Prohibited Activities** Indoor video games, outside vending machines, and the sales of lottery tickets are prohibited.
- f) **Garbage** Outside trash receptacles are required as per the City's specifications.
- g) **Location** Operations are not permitted to establish within three hundred fifty (350) lineal feet in all directions of existing Mom and Pop Grocery Stores, Convenience Stores, or similar commercial retail establishments.

1305.28 MULTIPLE-FAMILY DWELLINGS

The provisions of this section apply only to new construction of multi-family dwellings.

- a) **Multiple-Family Dwelling, Single Lot** In the case of a multiple-family dwelling where individual dwelling units are located on a single lot and share with other units a common yard area, such as garden apartments, the following requirements shall apply:

	DISTRICTS						
	RS2	RM	RO	CN	CG	CBD	CW
Minimum Outside Area (Sq. Ft.)	2400	2000	2000	1800	1800	750	750
Lot Width (Ft.)	150	100	150	100	100	100	100
Side Setback (Ft.)	40	40	40	40	40	40	40
DU per Acre	15	22	22	20	20	70	60
Distance Between Buildings (Ft.)	50	50	50	25	25	25	25
Setback from Parking Areas (Ft.)	25	30	25	30	30	50	50

- 1) **Buffering, Screening** Buffering and screening shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.
- 2) **Recreation Area** Recreation space shall be provided in accordance with Section 1336.10 of the Subdivision and Land Development Ordinance.

- b) **Parking** Multiple family dwellings must address the parking standards of Article 1310, Parking.

1305.29 NONCONFORMITY CHANGE FROM ONE TO ANOTHER

Change from one nonconforming use to another is permitted as special exception in any district and subject to the requirements of that district in which located except as herein modified and provided:

- a) **Burden of Proof** The applicant assumes the burden of proof and shall sufficiently present facts that the nonconforming use cannot be physically changed to a permitted use. Absence of this requirement shall automatically require the Zoning Hearing Board to deny the special exception.
- b) **Compliance** The proposed nonconforming use shall meet the off-street parking, off-street loading and other applicable requirements that would normally be required for the establishment of a use in a district that allows such uses.
- c) **External Effects** The applicant shall show that the proposed change shall be less objectionable in external effects than the existing nonconforming use with respect to:
 - 1) Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
 - 2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
 - 3) Storage and waste disposal; and
 - 4) Appearance.
- d) **Permitted Elsewhere** The proposed use shall be a permitted use in one or more zoning districts of the City.

1305.30 PARKING LOT OR PARKING GARAGE

- a) **Lot Area Coverage** Not more than eighty percent (80%) of the lot area may be covered with impervious surfaces.
- b) **Not Permitted** No sale, rental, service or repair operation for vehicles is permitted.

- c) **Design Standards** All such parking lots and garages shall meet the design standards for off-street parking contained in Article 1310, Parking.
- d) **Parking, Storage** The parking or storage of trucks or trailers other than those owned and routinely used by a principal use in the same district is prohibited.
- e) **Demolition** Demolition of residential structures in residential districts shall not be permitted for the provision of parking lots or garages.
- f) **Outside Storage** No outside storage of property other than licensed vehicles is permitted.
- g) **Landscaping** must be provided. Landscaping requirements of Section 1306.08, Landscaping, must be addressed.

1305.31 PERSONAL CARE FACILITY

- a) **Licensure** The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
- b) **Staff** On-site staff must be available to residents on a twenty-four (24) hour basis.
- c) **Dining Area** A common dining area shall be provided to serve prepared meals to the residents of the facility. No facilities for cooking or dining shall be provided in individual rooms or suites.
- d) **Land Development Plan** A facility accommodating more than twelve (12) persons and not located within a single-family dwelling shall be required to submit a land development plan.
- e) **Single-Family Dwellings** In the Mixed Residential, Residential Office and Commercial Neighborhood zoning districts the facility must be accessory to a single-family dwelling. The family residing on the premises shall provide the care associated with the personal care facility and the operator shall reside primarily at the dwelling.
- f) **Parking** Standards of Article 1310, Parking, must be met. Facilities which are accessory to a single-family dwelling must provide parking for the dwelling.

1305.32 QUARRYING, PROCESSING, STORAGE AND/OR SALE OF STONE AND RELATED PRODUCTS

- a) **Environmental Standards** Extractive operations shall meet all environmental regulations of Article 1308, Environmental Standards, except buffering and screening, which shall be as the Zoning Hearing Board prescribes.
- b) **Boundary Activities** No excavation, quarry wall, storage or area in which processing is conducted shall be located within one hundred (100) feet of any lot line or street line nor within two hundred (200) feet of any residential district boundary.
- c) **Grading** All excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- d) **Truck Access** Truck access to any excavation shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
- e) **Equipment Safeguards** A rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery, or other physical or chemical process for treating such products shall be subject to such conditions and safeguards as deemed necessary by the Zoning Hearing Board.

- f) **Depth** Stone quarries whose ultimate depth shall be more than twenty-five (25) feet shall provide the following:
 - 1) A chain link or equal fence at least ten (10) feet high with an extra slanted section on top strung with barbed wire along the perimeter of such quarry as specified by the Zoning Hearing Board.
- g) **Expansion** Any proposed extractive operation or existing extractive operation proposed to expand beyond its current limits of excavation shall meet all effective regulations of the Commonwealth regarding land reclamation.

1305.33 RECYCLING FACILITIES

- a) **Solid Waste Processing** Any processing of solid waste shall be conducted within a wholly-enclosed building.
- b) **Fencing, Screening** Any area used for the unloading, transfer, storage, processing or deposition of materials to be recycled must be completely screened from ground-level view at the property line. Chain link opaque fences, earthen berms or other structures shall provide an adequate barrier to contain wind blown litter and to secure the site against intrusion by unauthorized persons.
- c) **Site Access** 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, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- d) **Road System Analysis** The applicant shall provide an analysis of the physical conditions of the primary road system servicing the proposed use. The analysis shall include, at a minimum, information on current traffic flows on this road system and projections of traffic generated by the proposed use.
- e) **Stacking Lanes** All uses shall provide sufficiently long stacking lanes into the facility so vehicles waiting will not back-up onto public roads.
- f) **Truck Movements** All entrances and driveways shall be able to handle truck movements. The applicant shall make any necessary public or private improvements to provide safe turning movements to and from the existing road accessing the site.
- g) **Waste Storage** Any waste that cannot be used in any disposal process or material that is to be recycled shall be stored in leak proof containers.
- h) **Leachate** Leachate from solid waste shall be disposed of in a manner in compliance with any applicable state and federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground or in any other manner inconsistent with state and federal regulations.
- i) **Materials Storage** All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising materials above the ground, separating types of materials, preventing collection of stagnant water, extermination procedures or other means.
- j) **Fire Hazards** Fire hazards shall be prevented by organization and segregation of stored materials with particular attention to the separation of combustibles from other materials, enclosure of combustibles where necessary, the provision of adequate aisles for escape and fire fighting and other necessary measures.

- k) **Lot Area** Minimum lot area for such proposed uses shall be at least 40,000 square feet.
- l) **Lot Width** Minimum lot width shall be at least 150 feet.
- m) **Height of Contents** The contents of a scrap yard shall not be placed or deposited to a height greater than the required height of the fence or wall herein prescribed.
- n) **Buffer** A ten (10) foot landscaped buffer must be provided on all sides of the lot.
- o) **Equipment Height** All equipment used on site must not exceed the maximum building height of that district.
- p) **EDA** Recycling facilities located within the Enterprise Development Area Overlay District shall conduct all storage and processing activities within a wholly enclosed building.

1305.34 ROOMING HOUSE

- a) **Accessory Use** A rooming house shall be an accessory use to a single-family dwelling.
- b) **Length of Stay** Accommodations shall be for three (3) or less persons and for periods of one (1) week or more.
- c) **Cooking Facilities** No facilities for cooking shall be provided in individual rooms or suites.
- d) **Structural Alterations** No structural alterations of the building's exterior shall be made except as may be necessary for purposes of safety.
- e) **Lot and Building Requirements** The dimensional, parking and other applicable requirements of this Zoning Ordinance for the district in which such rooming house is located shall not be reduced and further:
 - 1) In RS2, RO, and CN Districts, the establishment of a rooming house as an accessory use shall be authorized for large single-family attached or detached dwellings that have an existing habitable floor area of one thousand five hundred (1,500) square feet plus three hundred (300) square feet for each roomer, and the lot on which such rooming house is located shall have a lot area in addition to other lot area requirements as may be required by this Ordinance of not less than five-hundred (500) square feet of lot area for each roomer.
 - 2) In RM District, the establishment of a rooming house as an accessory use shall be authorized for large single-family attached or detached dwellings that have an existing floor area of seven hundred and fifty (750) square feet plus three hundred (300) square feet for each roomer, and the lot on which such rooming house is located shall have a lot area in addition to other lot area requirements as may be required by this Ordinance of not less than three hundred (300) square feet of lot area for each roomer.
- f) **Owner-Occupied** A rooming house shall be owner-occupied with the owner of the structure residing on the premises.
- g) **Parking** Parking standards of Article 1310, Parking, must be addressed.

1305.35 SANITARY LANDFILLS AND PROCESSING FACILITIES

- a) **Building** Any processing of solid waste shall be conducted within a wholly-enclosed building.

- b) **Screening, Loading** Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from ground-level view at the property line. Chain link fences, earthen berms or other structures shall provide an adequate barrier to contain wind blown litter and to secure the site against intrusion by unauthorized persons.
- c) **Access** 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, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- d) **Traffic** The applicant shall provide an analysis of the physical conditions of the primary road system servicing the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use.
- e) **Stacking** All uses shall provide sufficiently long stacking lanes into the facility so vehicles waiting will not back-up onto public roads.
- f) **Truck Traffic** All entrances and driveways shall be able to handle truck movements. The applicant shall make any necessary improvements to provide safe turning movements to and from the existing road accessing the site.
- g) **Waste Storage** Any waste that cannot be used in any disposal process or material that is to be recycled, shall be stored in leak proof containers.
- h) **Leachate** Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable state and federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with state and federal regulations.
- i) **Permits** No use and occupancy permit shall be issued for a solid waste disposal facility until the operator has submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Resources and has been permitted in writing by said agency.

1305.36 SERVICE STATION; GASOLINE, MOTOR VEHICLE REPAIR

- a) **Types of Service** Such uses in CG and CH Districts are subject to the requirements of those districts except as modified and provided below:
 - 1) Motor vehicle and repair service stations shall have no tire recapping facilities;
 - 2) Motor vehicle and repair service stations shall have no repair work performed out of doors requiring motor overhaul (other than spark plug replacement, minor carburetor adjustments and similar minor adjustments), transmission repair, differential repair, brake bands and shoes, body work and similar services; and
 - 3) Motor vehicle service stations shall have a minimum lot area of 20,000 square feet.
- b) **Prohibited Activity** All gasoline, repair and motor vehicle service stations shall not:
 - 1) involve vehicular sales;
 - 2) store or repair vehicles with three or more axles; or
 - 3) locate pumps, lubricating and other dispensing devices within twenty feet from any street line. Any automobile parts, dismantled vehicles and similar articles shall be stored within a building.
- c) **Parking** Gasoline and motor vehicle repair service stations must address the parking standards of Article 1310, Parking.

- d) **Signage** The provisions of Article 1309, Signs, must be addressed.

1305.37 VETERINARY OFFICE OR HOSPITAL FOR NON-HOUSEHOLD PETS (e.g. farm animals)

- a) **Lot Size** If the animals to be treated are farm animals, the office or hospital may be located only in CH Districts and shall have a minimum lot size of 40,000 square feet.
- b) **Household Pets** A special exception review is not necessary if treatment is limited to household pets, such as but not limited to dogs, cats and birds.
- c) **Parking** Veterinary office or hospitals must address the parking standards of Article 1310, Parking.
- d) **Signage** The provisions of Article 1309, Signs, must be addressed.

1305.38 WAREHOUSING, DISTRIBUTION AND WHOLESALE BUSINESS

- a) **First Floor** Any existing or vacant first floor commercial, retail or office space cannot be converted to a warehouse use.
- b) **Parking and Loading** Warehouses must address the parking and loading standards of Article 1310, Parking.
- c) **Signage** The provisions of Article 1309, Signs, must be addressed.

**ARTICLE 1306
INFRASTRUCTURE AND LANDSCAPING**

1306.01	Use Standards
1306.02	Buffering and Screening
1306.03	Principal Supply Utilities
1306.04	Lighting Standards
1306.05	Street Access
1306.06	Sanitary Sewer Connection
1306.07	Stormwater Management
1306.08	Landscaping
1306.09	Landscaping, Ground Cover, and Street Tree Maintenance

CROSS REFERENCE

Article 1308 Environmental
Storm Water and Erosion and Sedimentation Control - See P & Z Article 1371

1306.01 USE STANDARDS

- a) The purpose of this Article is to supplement Article 1303, Districts, Maps, Boundaries, with additional requirements applicable to all applications. These standards shall be met prior to granting, by the Zoning Hearing Board, Planning Commission, City Council, Zoning Officer and City staff application approval. In cases where the provisions of this article are more restrictive than other articles, the provisions of this Article shall take precedence.
- b) Regulations applying to lots, buildings and uses in existence prior to the effective date of this section shall be governed by Article 1307, Modifications/Nonconformities, except where required by Article 1308, Environmental Standards.
- c) Where infrastructure and landscaping requirements are imposed or reviewed for Conditional Use applications, the review conducted pursuant to that application shall address the manner in which the requirements of this article are applied. (Revised June 17, 2003 Bill No. 30 Ordinance 28)

1306.02 BUFFERING AND SCREENING

- a) **Buffering General** In general, buffering, either in the form of yard and/or screening, is appropriate between high intensity activities and residential activities.
 - 1) Buffer yards shall be required for all commercial and industrial uses when abutting or within RS1, RS2, RM, RO and I Districts.
 - 2) Where U.S. Route 30, railroads or the Codorus Creek serve as district boundaries, no buffering is required along such boundary.
 - 3) Where streams, runs or other bodies of water serve as distinct boundaries, such stream, run or river may serve to meet the buffering requirements, provided the proposed buffering is approved by special exception.
- b) **Buffer Yards**
 - 1) Buffer yards shall be at least twenty-five (25) feet in width as measured from the applicable lot line.
 - 2) All buffer yards shall be planted with grass seed, sod or ground cover and maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
 - 3) No structure, manufacturing or processing activity, or parking or storage of materials shall be permitted in the buffer yard.
 - 4) Within all buffer yards, screening in accordance with subsection (c) hereof shall be included.

Updated 6/17/2003

- c) **Screening** Screening is the provision of plantings or non-plant material to eliminate or minimize conflicts between development and adjacent land uses and protects properties from airborne particles, glare and noise.
- 1) **Fences or Walls** Screening can be achieved by installing a masonry wall or fence.
 - A) Fences must be installed in an opaque or sight-tight manner.
 - B) When used as screening, the fence or wall must be at least six (6) feet tall except as permitted in subsection 4. Maximum fence height shall provided in accordance with §1304.01(b) Fences.
 - C) The fence shall be broken only at points of vehicular or pedestrian access, or where utility improvements and/or easements prohibit installation.
 - D) In accordance with the provisions of Article 1307, Modification/Nonconformities, a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
 - 2) **Landscaped Screening**
 - A) Plant materials used in the screen planting shall be of such species as shall produce, within two (2) years, a complete visual screen of at least eight (8) feet in height except as permitted in subsection 4.
 - B) The screen planting shall be maintained permanently, and any plant material that does not live shall be replaced within one (1) year.
 - C) The screen planting shall be so placed that, at maturity, it shall not be closer than three (3) feet from any street or property line.
 - D) In accordance with the provisions of Article 1307, Modification/Nonconformities, a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
 - E) When screening is required, a minimum of five (5) feet in any yard shall be required.
 - F) The screen planting shall be broken only at points of vehicular or pedestrian access, or where utility easements prohibiting such planting.
 - 3) **Berm** An earthwork berm shall be four (4) feet high with continuous screen planting on the top that shall grow to a height of four (4) feet within two (2) years after planting.
 - 4) **Parking Lot Screening Height** Required screening for parking areas and driving lanes adjacent to or abutting a public right-of-way may be reduced to at least four feet high. Other required screening must address the height standards identified in subsections 1, 2 and 3. (Revised June, 8 2000 Bill 8 Ordinance 8)

1306.03 PRINCIPAL SUPPLY UTILITIES

- a) In residential zoning districts, no public business office shall be operated in connection with a principal supply utility.
- b) Storage yards or storage buildings may be operated in connection with such use only on application to the Zoning Hearing Board for a special exception and following demonstration to the satisfaction of the Board that it is essential to service customers in the zoning district in which it is located.
- c) In new subdivisions, land development or redevelopment areas, utility distribution and service facilities shall be installed underground unless, in the opinion of the Planning Commission, special conditions require otherwise.
- d) In new subdivisions, land development or redevelopment areas that require connection to the City's sanitary sewer system and meet the activity requirements of Title 25, Chapter 71 -Department of Environmental Protection's Regulations for the Administration of Sewage Facilities Program, a sewer module shall be submitted to the Planning Commission and the Public Service Department for review and approval.

1306.04 LIGHTING STANDARDS

- a) **Lighting Standards** The installation of street lighting is the responsibility of the developer/owner. In conjunction with the Metropolitan Edison Company, the developer/owner shall select lighting standards and fixtures that maintain the following minimum lighting standards:

Type of Area	Foot Candle Average
Residential	.5
Industrial/Commercial	.9
Shopping Areas and Center	5-10

- b) **Height Requirements** All lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

Location	Minimum Feet Above Grade
Pedestrian walkways	12
Parking Lots	15
Street	25

This standard shall be the minimum standard unless the Planning Commission review determines otherwise.

- c) **Parking Lots** All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.

1306.05 STREET ACCESS

- a) **Public Access** Public access is required. No building shall be erected, nor any use established, on a lot which does not abut a street. In addition:
- 1) Lots containing principal buildings and principal uses shall be located on local street(s) having a right-of-way width of not less than forty (40) feet in the case of existing local streets and fifty (50) feet in the case of proposed local streets.
 - 2) Lots containing only accessory buildings and/or accessory uses may be located on local streets, including alleys, whose right-of-way width is less than forty (40) feet, but, in no case, less than twenty (20) feet for existing streets or twenty-four (24) feet for proposed streets; and
 - 3) All streets shall be publicly owned unless specific approval is granted to the contrary as part of a plan duly reviewed and approved by Council.
- b) **Subdivision and Land Development Compliance** Any proposed building or use, or any existing building or use, proposing to establish new or relocated access points to any public street right-of-way shall conform to all applicable provisions of the Subdivision and Land Development Ordinance (Article 1331 et seq.).
- c) **Joint Access Marginal Access Streets** All uses in CH Districts shall give consideration to and provide for, if so required by Council as part of a land development plan, either joint access with neighboring uses or a marginal access street.

1306.06 SANITARY SEWER CONNECTION

- a) **Lateral Connection** Each dwelling unit intended to be in separate ownership shall have a separate lateral.
- b) **Subdivision** Each new subdivision lot must have a sanitary sewer lateral unless waived by the City Engineer or York City Sewer Authority.
- c) **Curb and Sidewalk** If a lateral is installed through curb and sidewalks, all curb and sidewalk specifications must be addressed when curbs and sidewalks are repaired or installed.
- d) **Emergency Repairs** Emergency repairs completed by the City or utility company are the responsibility of the lateral user.
- e) **Construction Standards** All public and private common lines shall meet construction standards of the York City Sewer Authority.

1306.07 STORMWATER MANAGEMENT

- a) **Compliance** Based on the applicable activities of Section 1371.04, Applicability, such activities shall be in compliance with the City Storm Water Management and Erosion and Sedimentation Control Ordinance.
- b) **Screening** Stormwater retention basins, both detention and retention, must be screened according to 1306.02(c) Screening and Buffering. For properties abutting residential districts, waivers may be reviewed by the City Engineer.
- c) **Additional Requirement** In addition to the stormwater management provisions, the following shall apply:
 - 1) **Rehabilitation** If, during any rehabilitation within the Central Business District, the existing stormwater drainage discharges to the street or sanitary sewer system, the stormwater shall be piped to the nearest storm sewer, or by an alternative discharge method approved by the City Engineer. Any proposed alteration to the existing stormwater drainage system shall be reviewed and approved by the City Engineer.
- d) **Connection to City Storm Sewer System** Any stormwater management plan prepared for the applicable activities under Section 1371.04, Applicability, shall connect the system management facility for the site to the City storm sewer system, if available.

1306.08 LANDSCAPING

- a) **Interior Landscaping** In any parking lot containing ten (10) or more parking spaces, except a parking garage, ten percent (10%) of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every ten (10) parking spaces. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. A landscaping plan must be approved by the Zoning Officer.
 - 1) **Modified Parking Space Length** If curbing and or bumper blocks are provided, the required dimension (length) of a parking space may project no more than two feet into any interior landscaped area, and the required length of parking spaces may be reduced by two feet, provided the landscaped area is at least five (5) feet in width. (Revised December 17, 1998 Bill 22 Ordinance 20)
- b) **Ground Cover** Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalk and designated storage areas shall be planted with an all-season ground cover. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
- c) **Landscaping** Any required landscaping (landscaping strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping or screening. No less than eight (8%) percent of the required landscaped areas shall be vegetative in composition, and no outdoor storage shall be permitted within required landscaped areas.
- d) **Street Trees**
 - 1) **Non-Residential Uses** All commercial, institutional, and industrial new construction and substantial rehabilitation or adaptive reuse proposals are subject to the requirements of land development ordinance section and landscaping requirements of this section and the land development ordinance Article 1336, Required Improvements. All land development plans concerning these uses must have a landscape plan.
 - 2) **Residential Uses** All applications for new residential building construction or substantial improvements to existing residences shall require the installation of street trees.
 - 3) **Placement** One (1) street tree, at a minimum, shall be provided per lot frontage. The tree shall be installed no closer than twenty feet from any sewer lateral. Street trees shall be installed in accordance with placement details adopted or reviewed by the Zoning Officer. Such trees shall have a minimum caliper of one and one-half (1 1/2) inches.

Updated 12/12/98

- 4) **Approved Tree Types**
 The following varieties are approved street trees:
- A) Marshall's Seedless Ash
 - B) Little Leaf European Linden
 - C) Columnar Norway Maple
 - D) Greenspire Linden
 - E) Ginkgo (male)
 - F) Hawthorne
 - G) Zelkova

- e) **Removal of Street Trees** All street trees within a public right-of-way must not be removed without approval. Removal includes removal of the stump and roots, improvement of the sidewalk area in accordance with the City's sidewalk specifications and/or replacement with a tree at the same location or a location specified by City Forester. Prior to the removal or replacement of any street tree, the proposal is subject to review by the City Forester.

1306.09 LANDSCAPING, GROUND COVER, AND STREET TREE MAINTENANCE

- a) **General Requirements** The property owner must comply with the following general requirements.
- 1) **Trimming, Health** All landscaping, ground cover, and street trees must be maintained in a healthy, growing condition so as to present a neat and orderly appearance. Branches extending over the street must be trimmed in accordance with Article 913, Trees and Vegetation. Any tree or shrub which overhangs any arterial street shall be trimmed to a minimum height of fourteen (14) feet above the roadway.
 - 2) **Maintenance** Maintenance of all plantings includes watering, weeding, pruning, pest control and replacement of dead or diseased plant materials.
 - 3) **Litter, Weeds** The site is to be kept free of trash, litter and weeds.
- b) **Irrigation** Hose attachments must be located within seventy-five (75) feet to one hundred (100) feet of all required landscaping.
- c) **Landscaping Plan** A landscaping plan must be submitted for review. The plan should include at a minimum the following components:
- 1) Date;
 - 2) Scale;
 - 3) North arrow;
 - 4) Title;
 - 5) Name of property owner and applicant;
 - 6) Total site area;
 - 7) Existing and proposed utilities;
 - 8) Locations and size of named plant materials;
 - 9) Projected date of completion; and
 - 10) Irrigation information.
- d) **Bonding** Upon completion of the required landscaping plan, the property owner or applicant shall provide a two (2) year maintenance bond in the amount of 110% of the estimated cost of landscaping improvements installed by the developer. Such bond shall be in favor of the City of York and shall provide surety satisfactory to the York City Solicitor. In lieu of the required bonds, the applicant may deposit funds or securities in an escrow account satisfactory to the York City Solicitor. Funds deposited in this account for guaranteeing the construction or maintenance of landscaping shall be used for these purposes only.

**ARTICLE 1307
MODIFICATIONS AND NONCONFORMITIES**

1307.01	Setback Modifications
1307.02	Building Area and Floor Area Modifications
1307.03	Height Modifications
1307.04	Buildings Under Construction
1307.05	Division of Built-On Lots
1307.06	Status of Subdivision or Land Development Plan
1307.07	Lots of Record
1307.08	Nonconformities

CROSS REFERENCES

- Nonconforming Lot, Structure and Use Defined - see Article 247 Section 612 (53 P.S. 1061Z)
- Registration of Nonconforming Uses - see Article 247 Section 613 (53 P.S. Section 10613)
- Variances - see P & Z 1311.06
- Floodplain District Nonconforming Uses - see P & Z 1308.13
- Nonconforming Signs - see P & Z 1309.17
- Temporary Permit for Nonconforming Structures - see P & Z 1312.03

1307.01 SETBACK MODIFICATIONS

- a) **Unobstructed Vision at Street Intersections** Within any front yard on any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained that may cause a danger to traffic on a street or public road by obscuring the view. A clear-sight triangle of twenty-five (25) feet on arterial and collector streets and twelve (12) feet on local streets, measured along the street lines of intersecting streets, shall be maintained, within which such structures or plantings shall be limited to a height of not more than three (3) feet nor less than ten (10) feet above the street grade.
- b) **Building Setbacks on Corner Lots and Double Frontage Lots** In cases where lots have frontage along two (2) or more streets excluding streets with right-of-way widths less than twenty (20) feet, the minimum building setback requirements shall apply to each street according to the minimum requirements for the zoning district in which the lot is located.
- c) **Front and Rear Yard Exception**
 - 1) Wherever in any zoning district the present setback is greater than the minimum provided, the required setback of a building hereafter erected shall be the same as or greater than the present setback of existing buildings in the same block on the same side of the street, except when a special exception is authorized.
 - 2) Wherever in any zoning district the present setback of existing buildings is less than the minimum requirement for the zoning district involved, the required setback of any building hereafter erected shall be at least the average setback formed by the alignment of existing buildings within one hundred (100) feet on each side of the proposed building and within the same block.
- d) **Side Yard Exception**
 - 1) In cases where party walls are in existence between principal buildings, no side yards are required along the common lot line for accessory buildings.
 - a. Side yards for accessory structures may be reduced to five (5) feet or may maintain the existing side yard setback of the existing principal structure.
 - 2) On lots along the boundaries of RM, RO, CN, CG and CBD Districts, where side or rear yards abut RS1 and RS2 Districts and where no side yards shall be provided, the dimension of such side or rear yard shall be equal to that required in the zoning district on which such lot abuts.
- e) **Rear Yard Requirement for Triangular Lots** In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the front lot line shall be at least twice the minimum rear yard requirement for that district.

f) **Permitted Uses in Yards**

- 1) **Projections** Unenclosed, ground story terraces, patios and porches may project into any required yard not more than one-half (1/2) its required dimension and not more than ten (10) feet in any case. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two (2) feet into a required yard.
- 2) **Fences** Subject to subsection (a) hereof, yard provisions shall not apply to hedges, fences or walls eight (8) feet high or less above the natural grade.
- 3) **Off-street Parking** Off-street parking areas are not permitted in any required front yard, but off-street parking areas may project into a required side or rear yard a distance of not more than one-half (1/2) its required dimension, except in rear yards or side yards where there is access to the property from a public street or alleyway.
- 4) **Outdoor Storage** See Section 1304.24, Outside On-lot Storage.
- 5) **Handicap Ramp** Any handicap ramp or other protrusion or device required to make reasonable accommodation under the Fair Housing Act or American with Disabilities Act provided that the same be completely within the property boundary and not interfere with the use of public rights-of-way such as sidewalks.

g) **Rows of Single-Family Attached Dwellings** In the case of single-family attached dwellings where individual dwelling units are located on separate lots, such as townhouses or row houses, the following requirements shall apply.

	BUILDINGS						
	RS2	RM	RO	CN	CG	CBD	CW
Minimum Lot Area (Sq. Ft.)	2000	1800	2000	2000	2000	1600	1800
Lot Width (Ft.)	20	18	18	18	18	18	18
No. of Units in Row	6	6	6	6	6	6	6
Minimum Setback of Dwelling Units at End of Row (Ft.)	25	15	20	25	15	15	15

1307.02 BUILDING AREA AND FLOOR AREA MODIFICATIONS

a) **Mixed Uses**

- 1) When two (2) or more principal uses occupy the same lot, but not the same building, all parking, lot width, yard and setback, height, building area and floor area requirements shall be provided so that the requirements pertaining to each use shall be met in full.
- 2) No building to the rear of and on the same lot with a main building shall be erected or used for residential purposes unless such rear building conforms with all use, height and area requirements of the zoning district in which it is located.
- 3) When two (2) or more principal uses occupy the same building on the same lot, all parking, lot area, building area and floor area requirements shall be provided so that the requirements pertaining to each use shall be met in full.

b) **Required Yard and Open Space** Unless specifically provided herein, no part of any yard or other required open space around any principal use or building for the purpose of complying with the provisions of this Zoning Ordinance shall be included as part of any yard or open space required under this Ordinance for another use of building.

c) **Spacing of Nonresidential Buildings** Where two or more main buildings for a single nonresidential use are proposed to be built on a property in one ownership, front, side and rear yards are required only at lot lines abutting other properties.

- d) **Impervious Surface Area** An additional five percent (5%) of the lot area may be covered with an impervious surface provided stormwater management facilities are designed to accommodate the peak rate of runoff from a fifty (50) year design storm and are approved by the City Engineer.

1307.03 HEIGHT MODIFICATIONS

- a) **Maximum Building Height** No building shall exceed the maximum heights specified in Article 1303, Districts, Maps, Boundaries, for each applicable zoning district. However, in zoning districts where building heights above these maximum limitations are specifically suggested pursuant to this section, then the following regulations shall also apply:
- 1) The Zoning Hearing Board may waive the maximum building height by special exception in zoning districts so suggesting provided:
 - 2) Such increase is not more than twice the existing setback;
 - 3) Adequate measures are taken to insure adequate fire protection and other public safety matters;
 - 4) Generally, each required yard and the building setback line shall be increased one (1) foot for each foot or portion thereof that the proposed building height exceeds the applicable district limitation. However, such increases are not mandatory and may be reduced or eliminated where it is demonstrated that the location of any proposed building with an increased building height shall not reasonably deprive any other building or any portion of any adjacent lot or building of light or air; and
 - 4) For each four (4) feet of increased building height, the maximum permitted building area shall be decreased one percent (1%) with such reduction not to exceed one-fourth (1/4) the required building area.
- b) **Maximum Structural Heights** The maximum height limitations of this Zoning Ordinance shall not apply to church spires, belfries, cupolas, monuments, silos, domes or any other structure not intended for human occupancy, nor to chimneys, ventilators, skylights, water tanks, helistops, elevator structures, or other necessary mechanical appurtenances normally built above the roof level. Such building appurtenances, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area twenty percent (20%) of the ground floor area of the building. The twenty percent (20%) bonus does not apply to sign height. (Revised June 19, 2001 Bill 4 Ordinance 4)

1307.04 BUILDINGS UNDER CONSTRUCTION

If the construction is completed by one (1) year after the effective date of this Zoning Ordinance, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

1307.05 DIVISION OF BUILT-ON LOTS

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

1307.06 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

- a) **Changes to the Ordinances** From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, where a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

- b) **Changes to Ordinance, Commencement of Development** When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of preliminary approval.

1307.07 LOTS OF RECORD

For a lot held in single and separate ownership legally subdivided on the effective date of this Zoning Ordinance or any amendment thereto, and which does not fulfill the regulations for the minimum lot area and/or lot width for the zoning district in which it is located, a building may be erected, altered and used on the lot and the lot may be used for a conforming or permitted use providing the setback requirements are not less than the minimum specified herein for the zoning district in which the lot is located.

1307.08 NONCONFORMITIES

a) **Nonconforming Structures**

- 1) **Continuation** Any nonconforming structure may remain although such structure does not conform to the dimensional requirement of this Zoning Ordinance.
- 2) **Restoration** A nonconforming structure which has been damaged or destroyed by fire or other causes to an extent of less than seventy-five percent (75%) of its market value, or a nonconforming structure which has been legally condemned may be reconstructed provided that:
 - A. The reconstructed structure shall not exceed in height, area and volume the structure destroyed or condemned unless a special exception is granted by the Zoning Hearing Board; and
 - B. The structure reconstruction shall be commenced within one (1) year from the date the structure was destroyed or condemned and shall be carried on without interruption, or else the nonconforming structure status shall be void.

No structure damaged or destroyed by fire or other causes to the extent of more than seventy-five percent (75%) of its market value shall be repaired, reconstructed or used except in conformity with the regulations of this Zoning Ordinance.

- 3) **Extension or Alteration** A nonconforming structure may be extended or altered provided the extension or alteration conforms with all dimensional requirements of this Ordinance and all other applicable regulations of this Ordinance.
- 4) **Restoration of Accessory Buildings** Nonconforming accessory buildings may be reconstructed so long as such reconstructed buildings do not exceed the height, area and volume of the destroyed or condemned structure.

b) **Nonconforming Lots**

- 1) **Continuation** Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the zoning district in which it is located.
- 2) **Construction** The provisions of this Ordinance shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, or the establishment of a use on any nonconforming lot. However, this provision shall not apply to any two (2) or more contiguous lots in single ownership as of, or subsequent to, the effective date of this section where reparceling or replatting could create one (1) or more conforming lots.

- 3) **Variance** The Zoning Hearing Board may, by variance, reduce or waive the yard requirements on nonconforming lots where literal enforcement of such yard requirements would create an excessively small or narrow building area. The Board shall, in its deliberation on an appeal for such a variance, take into account typical existing lot sizes and existing yards in the general area where such nonconforming lot is located, giving particular consideration to existing uses and setbacks on adjacent properties as well as the provisions of Section 1311.06, Variance Appeals.

c) **Nonconforming Uses**

- 1) **Continuation** Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Zoning Ordinance. Unless specifically provided by the Board for a particular use, no change of title or possession or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.
- 2) **Extension** A nonconforming use may be extended, provided:
 - A. Any extension shall conform with the area, building height, parking, sign and other requirements of the district in which such an extension is located;
 - B. Nonconforming uses shall not displace conforming uses under any circumstances;
 - C. Expansion, alteration or replacement of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
 - D. The total of all such expansions, alterations or replacement of use shall not exceed an additional thirty-five percent (35%) of the area of these buildings, structures or improvements devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- 3) **Change of Use** Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only by special exception.
- 4) **Abandonment**
 - A. **One-Year Period** A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped. Such non-conforming use shall not thereafter be reinstated except in conformance with this Ordinance.
 - B. **Reversion** Once a non-conforming use has been converted to a conforming use; the previous non-conforming use may not be re-established.
 - C. **Burden of Proof** The burden of proof of abandonment of a nonconforming use is on the party asserting the abandonment.
 - D. **Vacant Structures** All vacant structures that have been vacant for a period of one (1) year or more may resume the nonconforming use that was in existence at the time the vacancy occurred, which may or may not have met the dimensional and parking requirements provided, if the Zoning Officer determines that use was not abandoned. The following information shall be reviewed:
 - i. Documentation which verifies the existence of the legal nonconforming use at the time the vacancy occurred and that the use was not intentionally abandoned;
 - ii. No structural alterations, legal or illegal, were made showing inconsistency with the verified legal nonconforming use; and
 - iii. The nonconforming use was not changed to a conforming use.

**ARTICLE 1308
ENVIRONMENTAL STANDARDS**

1308.01	Applicability of Environmental Performance Standards
1308.02	Noise
1308.03	Vibration
1308.04	Heat
1308.05	Glare
1308.06	Fire and Explosive Hazards
1308.07	Residual and Hazardous Waste
1308.08	Erosion and Sediment Control
1308.09	Storm Water Control
1308.10	Air Pollution
1308.11	Application Performance Standards
1308.12	Wetlands Protection

CROSS REFERENCES

Subdivision and Land Development - see P & Z Articles 1331-1337
Planned Residential Development - see P & Z Article 1352
Storm Water Management and Erosion and Sedimentation Control - see P & Z Articles 1371-1379
Sign Illumination - see P & Z 1309.17(c)

1308.01 APPLICABILITY OF ENVIRONMENTAL PERFORMANCE STANDARDS

- a) **Applicability** All uses and activities in all zoning districts, established after the effective date of this section shall comply with the following standards. All existing uses and activities in compliance with the following standards on the effective date of this section shall continue in compliance, and all existing uses and activities not in compliance with Sections 1308.02, Noise, and 1308.11, Application of Performance Standards, on the effective date of this section shall, within two (2) years following the effective date of the determination of the violations of this section, bring themselves into compliance.

1308.02 NOISE

a) **Definition**

- 1) **"Decibel"** (dB) means a unit of measurement of relative sound intensity equal to twenty times the logarithm to the base ten (10) of the ratio of the effective sound pressure to a reference pressure of twenty (20) micronewtons per square meter.
In formula, decibel is:

$$dB = 20 \text{Log}_{10} \frac{P}{P_0}$$

P is the average pressure of the measured sound, and P₀ indicates the reference pressure considered to be the weakest audible pressure a young ear can detect under ideal listening conditions.

- 2) **"Sound Level A or dB(A)"** is the sound level in decibels measured with a sound level meter using the A-weighted network or scale as specified in ANSI SL-4-1971 Specification for Sound Level Meters.

b) **Measurements and Boundary Controls**

- 1) **Levels at Zoning District Boundaries** Where the property line of a use coincides with a zoning district boundary, the maximum permissible sound level for the zoning district boundary controls.
- 2) **Construction, Repair, Demolition** In cases involving noise from construction, repair or demolition on a public street or other thoroughfare, the "property line" shall be the boundary of the public right-of-way.
- 3) **Noise Measurement** Measurement shall be made with a sound level meter using the A-weighted network or scale as specified in ANSI SL-4-1971. Measurements shall be made by instruments calibrated by accepted acoustical techniques to an accuracy of +/- 1 dB(A). Persons operating his equipment shall have training approved by the equipment manufacturer.

c) **Maximum Permissible Sound Levels by Zoning Districts** Except as provided in Subsections 3) and 4) below, a sound level that emanates from any operation or activity and exceeds the maximum permissible sound levels established by the following is prohibited:

- 1) **Industrial Zoning Districts** If the sound emanates from a use located within an industrial zoning district, the maximum permissible sound level is:
- A. 75 dB(A) at any point on the property line of the use;
- B. 70 dB(A) at any point on a boundary separating the industrial zoning district from a commercial zoning district; and
- C. 70 dB(A) at any point on a boundary separating the industrial zoning district from a residential or special zoning district.

- 2) **Commercial Zoning District** If the sound emanates from a use located within a commercial zoning district, the maximum permissible sound level is:
 - A. 61 dB(A) at any point on the property line of the use;
 - B. 64 dB(A) at any point on a boundary separating the commercial zoning district from an industrial zoning district; and
 - C. 58 dB(A) at any point on a boundary separating the commercial zoning from a residential, or special zoning district.
 - 3) **Residential, Special Zoning Districts** If the sound emanates from a use located within a residential or special zoning district, the maximum permissible sound level is:
 - A. 55 dB(A) at any point on the property line of the use;
 - B. 61 dB(A) at any point on a boundary separating the residential zoning district from an industrial zoning district; and
 - C. 58 dB(A) at any point on a boundary separating the residential zoning district from a commercial zoning district.
- d) **Deviations From Maximum Permissible Sound Level**
- 1) **Reduction of Levels, Time** Between the hours of 9 p.m. and 7 a.m. the maximum permissible sound levels established by Sections 1308.02(c) and of this ordinance shall be reduced by 5 dB(A).
 - 2) **Alteration of Maximum Permissible Sound Levels** The maximum permissible sound levels established by Section 1308.02(c) of this ordinance may be exceeded:
 - A. by no more than 5 dB(A) for a duration not to exceed twelve (12) minutes in any one (1) hour period; or
 - B. by no more than 10 dB(A) for a duration not to exceed three (3) minutes in any one (1) hour period; or
 - C. by no more than 15 dB(A) for a duration not to exceed thirty (30) seconds in any one (1) hour period.
 - 3) **Reduction of Levels, Type** The maximum permissible sound levels established by Section (a) of this ordinance shall be reduced by 5 dB(A) for:
 - A. Sounds of periodic character (such as pumps, fans or compressors);
 - B. Sounds of impulsive character (such as weapons fire, punch press or drop hammer);
 - C. Sounds with pure tone component (such as a whistle or alarm);
 - D. A steady audible tone, such as a hum, whine or screech.
 - 4) **Noises Arising from Activity in Residential Zones** Certain noise sources associated with residential living, although not considered desirable by most residents, are nevertheless tolerated. Such activities will be allowed to persist, but only at specified times. At all other times the noise limits stated in Section 1308.02(c) and this Section shall apply. The following activities are allowed between the hours of 7 a.m. and 9 p.m. on weekdays and between the hours of 10 a.m. and 10 p.m. on weekends and legal holidays: use of home workshops, power tools and power garden equipment and vehicular repairs.
- e) **Noise Sensitive Zones** Whenever the protection of the public health, safety and welfare so require, the Mayor, after a duly advertised public hearing and with the approval of the City Council by ordinance or resolution, may designate any geographical area of the City of York as a noise sensitive zone. Such designation shall include a description of the subject area by reference to named streets, the reasons for determination as a noise sensitive zone and a list of those activities, which if undertaken in such zone, shall constitute unnecessary noise. A designation may be for specified times or days of the week.
- f) **Special Noise Limits**
- 1) **Horn Blowing** It shall be unlawful for any person within the City to sound a vehicular horn except as an emergency warning signal.

- 2) **Motor Vehicle Operation** It shall be unlawful for any person to operate a motor vehicle in such a manner as to violate the noise limits promulgated by this city. Any measured noise level exceeding these limits shall be deemed *prima facie* evidence of a violation of this Section.
 - 3) **Noise from Selling of Goods by Outcry** It shall be unlawful for any person within the city to sell anything by outcry between the hours of 10 p.m. and 8 a.m. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed entertainment events.
 - 4) **Musical Instruments** It shall be unlawful for any person to use any drum or other musical instrument upon the streets between the hours of 10 p.m. and 8 a.m. This section shall not apply to any person who is a participant in a school band, duly licensed parade or a permitted outdoor concert, or who has been otherwise duly authorized to engage in such conduct.
 - 5) **Construction** The noise levels produced by construction projects shall not exceed the noise limits described in Section 1308.02 without issuance of a temporary exemption permit except that no exemption permit is required to perform emergency work.
- g) **Temporary Exemption** The zoning officer is hereby authorized to grant a temporary exemption from the maximum permissible sound levels established by this ordinance if such temporary exemption would be in the public interest. A temporary exemption must be in writing and signed by the owner or operator or his appointed representative and must set forth the name of the party granted the exemption, the location of the property for which it is authorized and the period during which it is effective. A temporary exemption will be granted only for a reasonable period, which in no case shall exceed thirty (30) days, after review of all the facts. Temporary exemptions are not renewable and will not be granted more than three times in any one (1) calendar year with respect to any location. A holder of a temporary exemption is authorized to exceed the maximum permissible sound levels established by Section 1308.02(c) by no more than (25) dB(A), unless expressly permitted by the city.

1308.03 VIBRATION

- a) **Formula** No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed the following formula shall be used:
 - 1) $PV = 6.28 F \times D$, where

PV = particle velocity, inches per second, F is vibration frequency includes per second, and D is single amplitude displacement of the vibration in inches.
- b) **Measurement** Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

- c) **Maximum Ground Transmitted Vibration** Activities and uses shall comply with the maximum permissible ground transmitted vibrations of the table below. Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in the table below may be multiplied by two.

MAXIMUM GROUND TRANSMITTED VIBRATION		
Zoning District	Particle Velocity (inches/seconds)	
	Adjacent Lot Line	Residential District
Residential, Special	0.05	0.02
Commercial, Light Industrial	0.10	0.02
Heavy Industrial	0.20	0.02

1308.04 HEAT

- a) **Standard** No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than one (1) Fahrenheit degree.

1308.05 GLARE

- a) **Glare Standard, Measurement** In commercial and industrial zoning districts, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (5/10) foot candles when measured by a hand held NIST certified light meter in a residential or special district.

1308.06 FIRE AND EXPLOSIVE HAZARDS

- a) **Applicability** All operations, activities and uses shall be conducted so as to comply with the rules and regulations of the Fire Prevention Code as adopted in Article 1501 and 1505 of the Codified Ordinances, the State Fire Marshal, the National Fire Protection Agency (NFPA), the Pennsylvania Department of Labor and Industry, and the Commonwealth of Pennsylvania Worker and Community Right-to-Know Act, Act of October 5, 1984, (P.L. 734, No. 159) as amended, 35 P.S. 7301 et. seq.
- b) **Materials of Fire, Explosive Hazard** Fire and explosive hazards include, but are not limited to detonable materials, solid materials which are active to intense burning, flammable and combustible liquids and gases.

1308.07 RESIDUAL AND HAZARDOUS WASTE

- a) **Commonwealth of Pennsylvania Standards** Standards for the handling and disposal of residual or hazardous wastes have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the city adopts these standards as its own. The standards for residual and hazardous wastes are as stated in the Commonwealth of Pennsylvania Solid Waste Management Act, Act of July 7, 1980, (P.L. 380 No. 97) as amended, 35 P.S. 6018.101 et. seq., and in all regulations promulgated from this Act, as amended. To govern situations of a localized nature, the following Commonwealth requirement is highlighted:
- 1) **Residual Waste Storage** Residual Waste (as defined in the Solid Waste Management Act, Act of July 7, 1980, (P.L. 380 No. 97) as amended, 35 P.S. 6018.101 et. seq. and regulations promulgated from this Act, as amended) should not be stored in any zoning district for a period exceeding one (1) year from date of generation.

- b) **Additional Requirements** The handling of residual and hazardous waste shall be performed in accordance with Section 931.14 of the City of York codified ordinances.

1308.08 EROSION AND SEDIMENT CONTROL

- a) **Standards and Requirements** All earth disturbances shall conform to standards and requirements established by the Commonwealth of Pennsylvania in The Clean Streams Law, Act of June 22, 1937 (p. L. 1987, No. _____), as amended, 35 P.S. 691.1 et. seq., and in all regulations promulgated for this Act as amended. Title 6 of the City of York Land Development and Subdivision ordinances shall also apply.

1308.09 STORM WATER CONTROL

- a) **Standards and Requirements** All storm water discharges shall conform to standards and requirements established by the Commonwealth of Pennsylvania in The Clean Streams Law, Act of June 22, 1937 (p. L. 1987, No. _____), as amended, 35 P.S. 691.1 et. seq., as amended and in all regulations promulgated for this Act, as amended. Title 6 of the City of York Land Development and subdivision ordinances and Section 1306.07, Stormwater Management of the City of York codified ordinances shall also apply.

1308.10 AIR POLLUTION

- a) **Standards and Requirements** Ambient air quality standards have been established by the Commonwealth of Pennsylvania Air Pollution Control Act, Act of January 8, 1960 (P.L. (1959) 2119, No. _____), as amended, 35 P.S. 4001 et. seq., and all regulations promulgated from this Act as amended, and are enforced by the Department of Environmental Protection Bureau of Air Quality Control. In order to minimize overlapping regulations, the City adopts these standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided:

- 1) **Odor Threshold, Measurements** Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1931-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent.
 - A. **Residential, Commercial, Special and Light Industrial Zoning Districts** Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line as measured either at ground level or habitable elevation.
 - B. **Heavy Industrial Districts** Odorous materials released from any operation or activity shall not exceed the odor threshold at or beyond the zoning district boundary line as measured either at ground level or habitable elevation.
- 2) **Smoke**
 - A. **Visible Emissions** A person may not permit the emission of visible air contaminants into the outdoor atmosphere in such a manner that exceed the opacity limits established by the Commonwealth of Pennsylvania under the Air Pollution Control Act, Act of January 8, 1960 (PL [1959] 2119, No. _____), as amended, 35 P.S. 4001 et. seq. and all regulations promulgated from this Act, as amended. In addition, a person may not permit the release of any visible emissions into the outdoor atmosphere that are detectable at or beyond the property of the person on whose land the source is being generated, as observed at ground or habitable elevation.

1308.11 APPLICATION OF PERFORMANCE STANDARDS

- a) **New Uses, Changes to Existing** Any new principal or accessory use established, which includes any changes to any existing building, structure or new land development associated with the new use shall comply with all the performance standards of this Article.

- b) **Alteration of Existing Use, Structure** If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standard herein set forth shall apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.
- c) **Administration and Enforcement** Determinations necessary for administration and enforcement of environmental performance standards set forth herein range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Zoning Ordinance that:
 - 1) **Determination; Normally Available Equipment** Where determinations can be made by the Zoning Officer or other City employees using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued;
 - 2) **Determinations; Technical Complexity, Expense** Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, the following shall apply:
 - A. The Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the environmental performance standards, the costs of the determinations shall be assessed against the person or persons responsible for the violation as may be appropriate under the terms of Section 1312.99, Penalty.
 - B. If no violation is found, the costs of the determinations shall be paid by the City without assessment against the persons involved.
- d) **Violation Determined** If the Zoning Officer finds, after making determinations in the manner set forth in this Zoning Ordinance, that there is a violation of the environmental performance standards set forth herein, he shall take or cause to be taken lawful action to cause correction to within the limits established by such environmental performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of Section 1312.99, Penalty.
- e) **Procedure for Corrective Action** If in the considered judgment of the Zoning Officer there is probable violation of the environmental performance standards set forth herein, the procedures of Section 1312.06, Remedies, shall apply.
 - 1) **Extension for Compliance** If a reply is received within the time limit set stating that the alleged violation shall be corrected to the satisfaction of the Zoning Officer but additional time is requested, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension shall not, in his opinion, cause imminent peril to life, health, safety or property.

1308.12 WETLANDS PROTECTION

- a) **Regulations** Wetlands encroachments are regulated by the United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency (EPA) Under Section 404 of the Clean Water Act (CWA). Furthermore, the USACE also makes jurisdictional determinations under Section 9 and 10 of the Rivers and Harbors Act of 1899. The Pennsylvania Department of Environmental Protection (DEP) regulates wetland encroachments under Chapter 105, Dam Safety and Waterways Management Rules and Regulations, adopted under the Dam Safety and Encroachment Act.
- b) **Wetland Functions** Wetlands is defined in Section 1302.122. Wetland functions include, but are not limited to, the following:
 - 1) **Biological** Serving natural biological functions, including food chain products; general habitat; and nesting, spawning, rearing, and resting sites for aquatic or land species;
 - 2) **Refuge** Providing areas for study of the environment or as sanctuaries or refuges;

- 3) **Drainage** Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns, or other environmental characteristics;
 - 4) **Protective Barrier** Shielding other areas from wave action, erosion or storm damage;
 - 5) **Water Storage** Serving as a storage area for storm and floodwaters;
 - 6) **Discharge** Providing a groundwater discharge area that maintains minimum base flows;
 - 7) **Recharge** Serving as a prime natural recharge area where surface water and groundwater are directly interconnected;
 - 8) **Pollution Filtration** Preventing or reducing non-point source pollution; and
 - 9) **Recreation** Providing recreation.
- c) **DEP and USACE Approval** Anyone proposing to dredge, fill, riprap, otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, piling, wall, fence, utility crossing, road crossing, building, levee, dike, or other structure in any river, stream, lake, or **wetland** must apply for joint approval from the DEP and USACE.
- d) **Land Development Plan** Wetland areas are required to be identified and delineated on any land development plan, whether or not any impact is proposed.

**ARTICLE 1309
SIGNS**

1309.01	General Purposes
1309.02	Applicability of Sign Regulations
1309.03	Sign Definitions
1309.04	Signs Requiring a Permit; Exceptions
1309.05	Prohibited Signs and/or Placement of Signs
1309.06	Surface Area Limitations of Signs
1309.07	Surface Area Calculation of Signs
1309.08	Regulation of Signs by Zoning Districts: All Districts
1309.09	Regulation of Signs by Zoning Districts: Residential Districts
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1309.11	Regulation of Signs by Zoning Districts: Industrial Districts
1309.12	Regulation of Signs by Zoning Districts: Institutional and Open Space Districts
1309.13	Number of Signs
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1309.15	Sign Construction
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1309.18	Nonconforming Signs; Existing
1309.19	Historical Architectural Review Board District

CROSS REFERENCES

Awnings - see BLDG & HSG Article 1739
Grade - see P & Z 1302.53
HARB - see BLDG & HSG Article 1731
Height - see P & Z Article 1303
Nonconforming Uses - see P & Z Article 1307
Setback Modifications - see P & Z Article 1307
Sign Regulations - see BLDG & HSG Article 1737

1309.01 GENERAL PURPOSES

- a) **Purpose** The purpose of this ordinance is (1) to ensure that signs are designed and installed so that the public safety and traffic safety are not compromised; (2) to allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties; (3) to reflect and support the desired character and development of the residential zoning districts; (4) to ensure that the constitutionally guaranteed right of free speech is protected. (Revised Nov 29, 2004 Bill No. 44 Ordinance 04)

1309.02 APPLICABILITY OF SIGN REGULATIONS

- a) **Applicability** All signs that can be seen off the premises on which they are located shall comply with all relevant provisions of this Zoning Ordinance and any and all other ordinances adopted by the City of York, including Building Codes.

Updated 11/29/2004

- b) **Headings** Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.
- c) **Interpretation** For purposes of this Article, the singular form of "sign" does not include the plural. For this Article, the subsection supersedes subsection 1302.01(b)(2) Language Interpretation.

1309.03 SIGN DEFINITIONS

a) **General Definitions; Signs**

- 1) **"Sign"** means any permanent or temporary structure or part thereof or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or includes any letter, word, insignia, flag or representation used as, or which is in the nature of, an advertisement, announcement, visual communication or direction or is designed to attract the eye or bring the subject to the attention of the public.
- 2) **"Freestanding sign"** means a self-supporting sign resting on the ground or supported by means of poles or standards in the ground, excluding trailer signs. The height of freestanding signs shall be measured from the official street grade.
- 3) **"Parallel sign"** means a sign attached, painted or otherwise mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted nor project more than eighteen (18) inches from its surface.
- 4) **"Projecting sign"** means any sign other than a parallel sign, mounted to a wall or other vertical building surface. Projecting signs shall not project more than two (2) feet from the wall or surface to which they are mounted, nor in any way interfere with normal pedestrian or vehicular traffic. Projecting signs shall not extend beyond the edge of any roof-line.
- 5) **"Roof sign"** means a sign erected on or above the roof or parapet of a building.

b) **Illumination of Signs**

- 1) **"Directly illuminated sign"** means a sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to, neon and exposed lamp signs. No directly illuminated sign shall violate the provisions of Section 1308.05 Glare.
- 2) **"Festoon lighting"** means a directly illuminated sign comprised of a group of incandescent bulbs hung or strung overhead or used to outline a structure or any part thereof.
- 3) **"Indirectly illuminated sign"** means a sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where such illumination occurs. If such shielding device is defective, the sign shall be deemed to be a directly illuminated sign.
- 4) **"Flashing sign"** means an illuminated sign on which the artificial light is not maintained in a stationary position or is not constant in intensity and color at all times when in use.
- 5) **"Nonilluminated sign"** means a sign that is not illuminated either directly or indirectly.

c) **Placement of Signs**

- 1) **"On-premises sign"** means a sign that directs attention to an activity conducted on the same lot.
- 2) **"Off-premises sign"** means a sign that directs attention to an activity not conducted on the same lot.

d) **Types of Signs**

- 1) **"Advertising sign"** means a sign that directs attention to a business, profession, products or services solely conducted or sold elsewhere than upon the property where the sign is displayed. For the purposes of this section, a commercial billboard is an advertising sign.
- 2) **"Announcement or professional sign"** means a sign on a residential building that directs attention to a home professional office, home occupation professional office in a residential building, bed and breakfast, group home or group quarters.

- 3) **"Bulletin board"** means a sign for a public, semi-public, charitable or religious institution bearing no commercial advertising matter. For the purpose of this article, an identification sign is a bulletin board.
- 4) **"Business sign"** means a sign that directs attention to or identifies the business, profession, products or services conducted or sold on the property where the sign is displayed.
- 5) **"Temporary sign"** shall mean a sign that is used for a limited period of display, not to exceed ninety (90) days.
- 6) **"Sidewalk sign"** means a temporary sign associated with the commercial establishment and which is displayed only during business hours and is placed between the building line and a distance not to extend beyond three (3) feet from the building line.
- 7) **"Canopy sign"** means any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- 8) **"Marquee sign"** means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 9) **"Commercial message"** means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

1309.04 SIGN PERMIT

- a) **Sign Permit** All permanent signs regardless of size, shall require an issuance of a zoning permit before the erection or replacement.

1309.05 PROHIBITED SIGNS AND/OR PLACEMENT OF SIGNS

a) The following signs and/or placement of signs shall be prohibited whether a permit is required or not:

- 1) **Signs Attempting to Interfere with Traffic** Signs which attempt or appear to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device shall not be permitted, erected or maintained in any zoning district;
- 2) **Signs Falsely Stating Permitted Use** Signs containing information stating or implying that a property may be used for any purpose not permitted under the applicable provisions of this Zoning Ordinance;
- 3) **Non-Incidental Vehicular Signs** Signs affixed to a vehicle in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose of transportation, but becomes a primary purpose in itself;
- 4) **Signs on Trees, Utility Poles** Signs attached or painted to any tree, shrub, rock or other natural object, telegraph, electric light or other utility pole on any street in the City.
- 5) **Signs Within Street Lines, Signs On Public Property** Signs except those of a duly constituted governmental body, including traffic signs and similar regulating notice, shall not be allowed within street lines or on public property.

1309.06 SURFACE AREA LIMITATIONS OF SIGNS

a) **Limitations** Surface area limitations for signs are indicated in the appropriate zoning district sections of this article, Section 1309.04, Signs Requiring a Permit; Exceptions, and Section 1309.16, Signs for Specific Uses. For all other signs, the requirement of the most similar sign indicated shall be applied.

1309.07 SURFACE AREA CALCULATION OF SIGNS

- a) **Computing Size** The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

- b) **Double-Faced Signs**
 - 1. **Residential Zoning Districts** For signs in residential zoning districts, the surface area of a double-faced sign shall be computed by counting both sides.
 - 2. **Commercial and Industrial Districts** For commercial and industrial zoning districts, when computing the surface area of a double-faced sign, only one side shall be considered providing all faces are identical. However, if the interior angle formed by the two (2) faces of a double-face sign is greater than forty-five degree, then both sides of such sign shall be considered in calculating the sign area.
 - 3. **Advertising Signs** For the purposes of Section 1309.10(b)(2) and Section 1309.11(b)(1), sign faces may display different messages providing; the interior angle formed by the two faces is less than forty-five degrees; and the sign structure is the same for both sides.

- c) **Features Excluded in Sign Computation** Structural members not bearing advertising matter or not in the form of a symbol shall not be including the computation of surface area.

1309.09 REGULATION OF SIGNS BY ZONING DISTRICTS: RESIDENTIAL DISTRICTS

- a) The following regulations shall apply to all signs in residential districts:
- 1) **Sign Setback** Signs shall be set back four (4) feet from the street line
 - 2) **Roof Signs** Roof signs are prohibited
 - 3) **Lighting** Only nonilluminated or indirectly illuminated signs are permitted. Light fixtures must be installed on the top of the sign with the illumination directed towards the ground. Directly illuminated signs are prohibited.
 - 4) **Number of Signs** No more than two (2) permanent signs are permitted per lot.
 - 5) **Sign Size** The aggregate signage total for all signs (temporary and permanent) cannot exceed twelve (12) square feet per lot.
 - 6) **Parallel Signs** The maximum sign size for parallel signs shall be nine (9) square feet.
 - 7) **Freestanding Signs** The maximum sign size for freestanding signs shall be nine square feet when the sign is constructed parallel to the street line. The maximum sign size shall be twelve (12) square feet if the sign is placed perpendicular (greater than 45 degrees) to the street line.
 - 8) **Projecting Signs** The maximum sign size for projecting signs shall be twelve (12) square feet.
- b) All signs shall also comply with any applicable building codes or regulations and Historical Architectural Review Board District requirements.

1309.10 REGULATION OF SIGNS BY ZONING DISTRICTS: COMMERCIAL DISTRICTS

- a) **On-Premises Signs** The following on-premises signs shall be permitted in commercial districts:
- 1) **Wholesale Fruit, Flowers, etc Sign** One (1) nonilluminated free standing sign advertising the wholesale of fruit, vegetables, flowers, ornamental plants or trees raised on the premises as an accessory use to a residential property, where such wholesale is permitted, not to exceed twelve (12) square feet;
 - 2) **Announcement or Professional Sign** One (1) nonilluminated professional or announcement sign shall be allowed providing the sign is fixed flat against the building or inside a window with the size of the sign not to exceed sixteen (16) square feet. The number of signs allowed per property shall be one (1) per business per street front. That portion of the sign against the building shall not project more than one (1) inch from the wall face to which it is attached;
 - 3) **Parallel, Window Signs** The total area of any parallel sign shall not exceed twenty-five percent (25%) of the area of the building face, including windows and door areas and cornices, to which it is attached not to exceed one hundred fifty (150) square feet. The number of signs allowed per property shall be one (1) per business per street front. Permanent window signs shall be considered parallel signs and included in computation of the maximum surface area, but shall nevertheless not exceed thirty percent (30%) of the total window area of each street front;
 - 4) **Freestanding Business Signs** One (1) freestanding business sign is permitted per property. However, when an establishment has walls fronting on two or more streets, the sign area for each street may be computed separately. The total area of any freestanding business sign shall not exceed one (1) square foot for each one (1) foot of lineal lot frontage, not to exceed sixty (60) square feet. Such sign shall be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then such freestanding sign shall be prohibited on such properties;

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- 5) **Projecting Business Signs** A projecting business sign is permitted as a substitute for either a parallel or freestanding sign providing such sign shall not conflict with signs on neighboring properties. In no case shall the area of the projecting sign exceed sixteen (16) square feet, nor shall the projection be more than four (4) feet from the building wall or facade. One (1) projecting business sign is permitted per business per street front;
 - 6) **Canopies, Marquees** Canopies or marquees are permitted as projecting signs subject to the requirements of the City Building Code. When signs are proposed in connection with such canopy or marquee, they shall be:
 - A. Affixed flat to such canopy or marquee; and
 - B. Limited to announcing the name of the establishment or any show or event.
 - 7) **Temporary Business Sign in CH Districts** A temporary business sign shall be permitted in the CH District when:
 - A. The size of the sign shall not exceed thirty-two (32) square feet;
 - B. The maximum number of months a temporary business sign can be used in a one (1) year period is four months. Such placement shall occur one (1) month for every three months and shall not run consecutively;
 - C. The permit issued for such sign shall be for the one (1) month after the date of the permit;
 - D. The sign may be directly illuminated. However, colored, festoon and flashing lights shall not be permitted;
 - E. The owner of the property where the sign shall be placed or his legal representative shall be the applicant for the sign permit; and
 - F. The sign shall be placed such that it will be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then a temporary business freestanding sign shall be prohibited on such properties.
 - 8) **Sidewalk Signs** A sidewalk sign shall be permitted provided that:
 - A. One (1) sidewalk sign is permitted per property. However, when an establishment has walls fronting on two (2) or more streets, then a sign shall be permitted on each side;
 - B. The sign shall not exceed 6 square feet;
 - C. The sign shall be placed in such a manner so as not to extend more than three (3) feet from the building line, and be no more than four (4) feet in height above the sidewalk elevation. A four (4) foot pedestrian area must be maintained from the curb to the sign so as not to obstruct pedestrian traffic. If the minimum four (4) foot pedestrian area cannot be met, then a sidewalk sign will not be permitted at that property.
 - D. Such sign shall not be permanently installed.
- b) **Off-Premises Signs** The following off-premises signs shall be permitted in commercial districts:
- 1) **Temporary Advertising Sign in CH Districts** A temporary advertising sign shall be allowed in the CH District providing that:
 - A. One (1) single sign face shall be allowed providing the surface area is not greater than seven hundred (700) sq. ft. or two (2) single sign faces shall be allowed providing the surface area of each sign facing is not greater than three hundred (300) sq. ft.; and
 - B. The distance between temporary advertising signs shall be a minimum of two hundred (200) feet in all directions.
 - 2) **Advertising Signs** Advertising signs shall be permitted in CG, CH and CBD Districts providing that:
 - A. One (1) single sign face shall be allowed providing the surface area is not greater than seven hundred (700) square feet or two (2) single sign faces shall be allowed providing the surface area of each sign facing is not greater than three hundred (300) square feet;

- B. The distance between signs shall be a minimum of five-hundred (500) feet in all directions in all applicable zoning districts; and
- C. The signs shall be placed such that it will be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then freestanding signs shall be prohibited on such properties.

1309.11 REGULATION OF SIGNS BY ZONING DISTRICTS: INDUSTRIAL DISTRICTS

a) **On-Premises Signs** The following on-premises signs shall be permitted in industrial districts:

- 1) **Parallel, Window Business Signs** The total area of any parallel business sign shall not exceed two (2) square feet for each one (1) foot of lineal lot frontage up to a maximum surface area of 150 square feet. One (1) such sign shall be permitted per business per street front. Permanent business window signs shall be considered parallel signs and included in computation of the maximum surface area, but shall nevertheless not exceed thirty percent (30%) of the total window area of each street front;
- 2) **Freestanding Sign** One (1) freestanding sign, shall be allowed per property. The sign shall not exceed one (1) square foot for each two (2) feet of lineal lot frontage with a total maximum permitted area of sixty (60) square feet. The sign shall be placed such that it will be located within one-half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then a freestanding sign shall be prohibited on such properties; and
- 3) **Roof Signs** One (1) roof sign is allowed per property in IH Districts provided that no sign shall be erected in excess of twenty-five (25) feet above the roof or parapet level at the point of mounting, and such sign shall not exceed 150 square feet. A clearance of at least five (5) feet shall be maintained between the lower portion of the sign and/or its support and the roof level. A sign with one (1) sign face shall not exceed 150 square feet. A sign with multiple faces shall not exceed a total of three hundred (300) square feet for the entire sign.

b) The following off premises signs are permitted in IL and IH Districts as follows:

- 1) **Advertising Signs.** Advertising signs are permitted in IL and IH Districts as follows:
 - A. One (1) single sign face shall be allowed providing the surface area is not greater than seven hundred (700) square feet or two (2) single sign faces shall be allowed providing the surface area of each sign facing is not greater than three hundred (300) square feet;
 - B. The distance between signs shall be a minimum of five-hundred (500) feet in all directions in all applicable zoning districts; and
 - C. The signs shall be placed such that it will be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then freestanding signs shall be prohibited on such properties.

1309.12 REGULATION OF SIGNS BY ZONING DISTRICTS: INSTITUTIONAL, HEALTH CARE, AND OPEN SPACE DISTRICTS

a) **On-Premises Signs** The following on-premises signs shall be permitted in institutional and open space districts:

- 1) **Wholesale Fruit, Flowers, etc., Sign** One (1) nonilluminated free standing sign advertising wholesale of fruit, vegetables, flowers, ornamental plants or trees raised on the premises, where such sale is permitted, not to exceed twelve (12) square feet. The sign shall be placed such that it will be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then a freestanding sign shall be prohibited on such properties;

- 2) **Parallel, Freestanding Identification Sign** One (1) nonilluminated or indirectly illuminated parallel or freestanding identification sign per property for a college complex or nursing home/retirement village complex. In addition, the following shall apply:
 - A. When such a property fronts on two (2) or more streets, up to two (2) such signs shall be permitted providing the signs front on different streets;
 - B. The maximum surface area for any such sign shall not exceed fifty (50) square feet;
 - C. The total area of any parallel sign shall not exceed twenty-five percent (25%) of the area to which it is attached, not to exceed fifty (50) square feet; and
 - D. The sign shall be placed such that it will be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then freestanding signs shall be prohibited on such properties.

- b) **Health Care District Signs** Signs pertaining to Hospital, Medical Care Building, Medical Clinic, or Medical Facility uses located in an HC district shall be subject only to the provisions of subsection 1309.16(d). (Revised June 19, 2001 Bill 4 Ordinance 4)

1309.13 NUMBER OF SIGNS

- a) **Determining Number of Signs** For purposes of determining the number of signs permitted, a sign shall be considered to be a single entity organized, related and composed to form a unit. Where the organization, relationship or composition of a number of elements is not readily discernible as a single sign, each element shall be considered to be a single sign.

- b) **Maximum Number of Signs Allowed** The maximum number of signs allowed for each type of sign for which a permit is required is indicated within each applicable zoning district section of this article. For all other signs, the requirement of the most similar sign indicated in this article shall be applied.

1309.14 SIGN HEIGHT

- a) In addition to any height restrictions to signs located elsewhere in this Zoning Ordinance, the following restrictions to the height of signs shall apply:
 - 1) **Measurement** Height shall be measured from grade level at the centerline of the nearest street to the highest part of the sign;
 - 2) **Maximum Allowable Sign Height**
 - A. Signs shall be no higher than the maximum building height permitted within nonresidential zoning districts of the City in accordance with the applicable sections of Article 1303, Districts, Maps, Boundaries. In residential zoning districts, signs shall be no more than fifteen (15) feet in height; and
 - B. In CG, IL and IH Districts, off-premises signs shall be no higher than forty (40) feet. On-premises business signs shall be no higher than twenty (20) feet.

1309.15 SIGN CONSTRUCTION

- a) **Sign Material, Maintenance, Condition** All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Construction and maintenance of all signs, except temporary signs, shall be in conformance with City Building and Fire Prevention Codes. Electrical signs shall be subject to the performance criteria of either the Underwriters' Laboratory, Inc., the National Fire Protection Association or similar organization with electrical standards and any applicable City code.

1309.16 SIGNS FOR SPECIFIC USES

- a) **Shopping Center, Office Building, etc.** Signs in the case of a shopping center, office building, or similar structure with multiple commercial or business occupants on a lot held in single and separate ownership, the following signs shall be permitted:
 - 1) **Parallel Signs** Each such store, office or other business use on the property shall be permitted one (1) sign per exposed exterior wall. The surface area of each sign shall not exceed twenty-five percent (25%) of the surface area of the exposed exterior wall up to a maximum of three hundred (300) square feet;

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- 2) **Freestanding Signs** No more than two (2) freestanding signs will be permitted, subject to the following requirements:
 - A. The signs shall be placed at least eighteen (18) feet above grade level and shall not exceed forty (40) feet in height or the maximum allowable building height for that zoning district, whichever is most restrictive;
 - B. The total area of each exposed face shall not exceed eighty (80) square feet in CN and CBD Districts and shall not exceed one hundred twenty (120) square feet in the CH District;
 - C. The signs may indicate the name of the shopping center, office building or similar group of stores, offices or other business uses, which may be permitted in conformance with other applicable provisions of this Zoning Ordinance;
 - D. Such signs shall be located within one half (1/2) the distance of the required front yard setback and if this requirement cannot be met, then freestanding signs shall be prohibited on such properties.
 - 3) **Business Identification Sign** Each store, office or other business use may have one (1) business identification sign, not to exceed six (6) square feet, located on the underside of walkway overhangs; and
 - 4) **Applicability** All other provisions of this Ordinance shall apply.
- b) **Industrial, Office Park Sign** An entrance to an industrial or office park serving five (5) or more tenants may have a single sign indicating the name of the park and listing each tenant and shall not exceed one hundred (150) square feet. The placement of such sign shall comply with Section 1307.01(a), Unobstructed Vision at Street Intersection.
 - c) **Land Development, Major Subdivision, etc.** One (1) sign may be erected to identify a major subdivision, land development, mobile home park, or apartment complex providing such sign is located at a main entrance and shall not exceed fifty (50) square feet. The placement of such sign shall comply with Section 1307.01(a) Unobstructed Vision at Street Intersections.
 - d) **Health Care District** In the Health Care district the following signs shall be permitted:
 - 1) **Freestanding Signs.** One illuminated or non-illuminated free-standing identification sign may be located: (A) at each access to a public street, and (B) in the event that any such property is located at the intersection of two or more public streets, at the intersection of such public streets. The total area of each exposed face of each such sign shall not exceed 96 square feet in area. Such signs may be located in the applicable required yard area; however, such signs shall be set back by distances equal to one-half of the minimum required width of the lot area.
 - 2) **Parallel Signs.** One illuminated or non-illuminated parallel sign shall be permitted for each street on which a property fronts. The maximum surface area of each such parallel sign shall not exceed 96 square feet.
 - 3) **Emergency Services Signs.** Signs directing persons to emergency medical or other emergency services shall be considered signs for public direction, safety, and convenience pursuant to Section 1309.04 and shall not require a permit regardless of the size of such signs, provided that each exposed face of each such sign does not exceed 30 square feet in area and that no such sign has a commercial connotation.
 - 4) **Illumination.** All signs permitted in the Health Care district may be directly illuminated signs, provided that no such directly illuminated sign shall violate the provisions of Section 1308.05 pertaining to Glare. (Revised June 19, 2001 Bill 4 Ordinance 4)

1309.17 SIGN ILLUMINATION

- a) **Illuminated Signs Specified by Districts** Nonilluminated, indirectly illuminated or directly illuminated business signs are permitted in commercial and industrial zoning districts, and are subject to other requirements of this Article.
- b) **Glare and Safety** No directly illuminated sign shall violate the standards of Section 1308.05, Glare, nor shall a directly illuminated sign cause interference with vehicular traffic or the safety of the public.

1309.18 NONCONFORMING SIGNS; EXISTING

- a) **Sign Use and Termination** Any sign legally existing at the time of passage of this Zoning Ordinance that does not conform in placement, location, area, illumination, type and/or height with the standards set forth in this article for the zone in which the sign is located shall be considered a nonconforming structure and may remain in use in its present location. If for any reason replacement or rebuilding of the structure becomes necessary, the nonconforming use of the structure shall be terminated. Any change in letter, word, or insignia in accordance with the provisions of this zoning ordinance shall not be considered a replacement or rebuilding of the sign structure.
- b) **Replacement or Rebuilding of Signs Defined** For purposes of this section, when fifty percent (50%) or more of the parts of the sign structure are replaced in a two (2) year period, the structure shall be considered replaced or rebuilt.

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- c) **Nonconforming Use Signs and Termination** Where signs associated with nonconforming uses where re-establishment of a nonconforming use has not occurred in accordance with Section 1307.08, Nonconformities, and other applicable sections of this Ordinance, the nonconforming use of the sign structure shall be terminated. Where a nonconforming use sign has been damaged by fire or other causes, Section 1307.08(a)(2) Restoration shall apply to the nonconforming use sign and sign structure.
- d) **Removal of Signs** Signs must be removed no later than forty five (45) days after the business for which the sign is associated with ceases to operate at the property.

1309.19 HISTORICAL ARCHITECTURE REVIEW BOARD DISTRICT

- a) **Review Requirement** As part of its review responsibilities, the Historical Architecture Review Board shall consider the appropriateness of all signs in the locally designated York Historic District before the Zoning Officer issues a zoning permit.

**ARTICLE 1310
PARKING**

1310.01	Required Off-Street Parking Spaces
1310.02	Residential Parking
1310.03	Agricultural Parking
1310.04	Institutional Parking
1310.05	Commercial Parking
1310.06	Industrial Parking
1310.07	Utility and Transportation Parking
1310.08	Parking Location and Management Requirements
1310.09	Parking Design Standards
1310.10	Off-Street Loading Requirements

CROSS REFERENCE

Parking Meters - see TRAF Articles 509, 517
Private Garages - see P & Z Section 1304.01(a)
Service Stations - see P & Z 1305.36
Parking Lot or Garages - see P & Z 1305.30

1310.01 REQUIRED OFF-STREET PARKING SPACES

- a) **Requirements** Any building or other structure erected, altered, used or occupied for any of the following purposes listed in this article shall be provided with minimum off-street parking spaces as set forth in this article, together with adequate accessways, driveways or other means of circulation and access to and from a public street. No off-street parking shall be allowed on an unimproved yard.

- b) **Multiple User on Lot** Unless specifically waived, parking space requirements for two (2) or more uses on a lot shall be cumulative and not limited to the major or primary use.

- c) **Shared Parking** Shared parking may be requested. Shared parking is an option if parking can be provided to serve two (2) or more individual land uses without conflict or encroachment. The Zoning Officer may make a determination for shared parking arrangements based on a traffic survey or traffic impact study for the site(s) based on the following criteria:
 - 1) At a minimum, a traffic survey or traffic impact study must examine, for all uses trip generation, hours of operation, quantity of required parking spaces, quantity of spaces that will be filled during peak hour periods and any unusual events that may occur during the year that will exceed the average parking requirement. The study must indicate that ample parking exists to meet the demand of uses served as well as meet technical requirements as specified by the Director of Planning;
 - 2) The applicant shall provide a long-term agreement (contract parking) between parties sharing parking spaces to meet the requirements of the City Solicitor;
 - 3) Additional parking requirements may be identified by the Zoning Officer if demand for parking outgrows the supply of available space: a demand/supply ratio greater than one (1) is unacceptable; and
 - 4) Waivers are only applicable to the original use(s) at the time of the request. In the event that a use or uses should change, parking requirements are subject to requirements of the Ordinance.
 - 5) Acceptable distance standards for compliance are in Section 1310.08(h), Location of Parking Spaces.

- d) **CW and CBD Districts** Off-street parking is waived for all uses locating in the CW and CBD Districts.

1310.02 RESIDENTIAL PARKING

- a) For the purpose of this Zoning Ordinance, when one (1) or two (2) parking spaces are required for dwellings in residential zoning districts, an attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way may be considered as parking space.
- b) The minimum off-street parking requirements for residential uses are as follows:

<u>USES</u>	<u>Required Parking Space(s) per Specified Unit or Part Thereof</u>
A. Single-family detached dwellings, mobile homes	2 per dwelling unit.
B. Multiple-family Dwellings Conversion apartments; Conversion - industrial, commercial & institutional; Single-family attached dwellings; Mobile home parks; Apartment combined with a commercial use	1.5 spaces per dwelling unit.
C. Group home	2 per dwelling unit plus one space per roomer over 5 persons.
E. Dwelling with accessory use: (requirements include parking for dwelling and accessory use)	
Dwelling and Adult Care Home	None, except parking required per dwelling.
Dwelling and Child Care Home	None, except parking required per dwelling.
Dwelling and Home Office	None, except parking required per dwelling.
Dwelling and Home Occupation	Requirements under 1310.05, Commercial Parking
Dwelling and Domiciliary Care Home	Dwelling requirement plus one space per client who Operates a vehicle.
Dwelling and Bed and Breakfast	Two spaces plus one space per every two 2 guest rooms
Rooming House	One space per bed.
Dwelling and Personal Care Facility	None, except parking required per dwelling.
Updated 11/29/04 Bill No. 42 Ordinance 37	

1310.03 AGRICULTURAL PARKING

a) The minimum off-street parking requirements for agricultural uses are as follows:

1) Schedule

	<u>USES</u>	<u>Required Parking Space(s) per Specified Unit or Part Thereof</u>
A.	Animal husbandry, crop farming and horticulture	None, unless associated with a sales facility, in which case, Spaces for such sales facility shall be provided as required by commercial retail sales of this article.
B.	Kennel, stable, drive-in produce stand and commercial greenhouse	3 plus 1 per each full-time employee plus any additional spaces required by the Zoning Hearing Board as part of a special exception.

1310.04 INSTITUTIONAL PARKING

a) The minimum off-street parking requirements for Institutional or conditional uses are as follows:

1) <u>USES</u>	<u>Required Parking Space(s) per Each Specified Unit or Part Thereof</u>
A. Cemeteries	None, unless in association with a mortuary or monument dealer, in which case, the provisions of Section 1310.05 Commercial Parking.
B. Churches, Cultural facilities including community centers, assembly or meeting rooms or other similar places of public or private assembly	1 per 5 seats provided for public assembly or 1 per 250 sq. ft. of gross floor area when no seats are provided plus 1 per full-time nonresident employee.
C. Hospitals, nursing facility and similar uses	1 per 2 beds, except institutions providing long-term custodial care need not provide more than 1 per 4 beds; PLUS 2 per 3 full-time employees of the largest shift plus 1 per staff doctor.
D. Personal care facility Personal care facility accessory to single family dwelling. (revised 6/8/2000 Bill 8 Ordinance 8)	1 per 1000 sq. ft. of gross floor area. None, except parking required per dwelling
E. Schools including kindergarten, child care centers, elementary & middle school, adult care facility	1 per faculty member and employee plus 1 per 2 classrooms and offices.
F. Schools including senior high, college & university, business college or trade school, music & dancing and similar organizations	1 per faculty member and employee plus 1 per 10 students or projected building capacity.
G. Private club and public or private noncommercial recreational facility	1 per 5 persons of total capacity.
H. Dormitory	1 per 2 beds.
I. Emergency Shelter	1 per 400 net gross floor area
J. Police or fire stations, jails and correctional institutions	As deemed appropriate by the York City Planning Commission.
K. Public owned and operated uses not listed above	As deemed appropriate by the York City Planning Commission.
L. Stadium	Stadium parking requirement shall be determined by the traffic and parking study using industry standards and count data from comparable stadiums. In no case shall the provided parking be less than one (1) parking space per five (5) seats. The applicant must prepare a traffic and parking study demonstrating that ample on and off-site parking exists or will be provided to meet the demand of uses served. At a minimum, such a study must examine trip-generation, hours of operation, quantity of required on-site and proposed off site spaces that will be filled during stadium events and any unusual circumstances that may occur that will exceed the average parking requirement. A maximum of fifty percent (50%) of the demonstrated parking need, as determined by the parking study, shall be provided on-site. The balance of parking must be provided off-site, in public or private parking lots, structures or on-street parking. In residential zoning districts, on-street parking may not be allocated towards the demonstrated parking need.

Updated 11/29/04 Bill No. 42 Ordinance 37

1310.05 COMMERCIAL PARKING

a) The minimum off-street parking requirements for commercial uses are as follows:

1) Schedule

<u>USES</u>	<u>Required Parking Space(s) per Each Specified Unit or Part Thereof</u>
A. Business, financial, professional, public service Offices and veterinary offices or hospitals	All districts except RM district: 1 per 200 sq. ft. of ground floor area plus 1 per 400 sq. ft. of floor area above the ground floor RM district: 1 per 400 sq. ft. of total area devoted to office use.
B. Business service establishments, Contractor's Office	1 per 800 sq. ft. of gross floor area and 1 per 1,500 sq. ft. of lot outdoor sales or storage area.
C. Commercial recreation facilities, including, but not limited to, theaters, bowling alleys, billiard halls, etc.	1 per 5 seats or 5 persons of total capacity.
D. Bowling Alley	3 per lane.
E. Service stations, all types vehicular sales, service and repair facilities, public garages (revised 6/8/2000 Bill 8 Ordinance 8)	One per each service bay; and One per 400 sq. ft. of net floor area devoted to sales; and One per each employee of largest shift; and One space for each 2,000 sq. ft. of open sales lot area devoted to sales, outdoor display areas, or storage of vehicles. Parking spaces shall be for the exclusive use of customers and employees and cannot be used for sales, service, or storage. A service bay or designated vehicle storage area cannot be counted as a parking space.
F. Home Occupations	1 additional to the requirement for the dwelling unless otherwise required per special exception standards.
G. Hotels and Motels, Lodging Facility (revised 6/19/2001 Bill 4 Ordinance 4)	1 per guest room plus 1 per 400 sq. ft. of space devoted to accessory uses.
H. Hotel Apartment Efficiency	1 per 550 sq. ft.

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1310.05 COMMERCIAL PARKING (continued)

	<u>USES</u>	<u>Required Parking Space(s) per Each Specified Unit or Part Thereof</u>
I.	Mortuaries Crematorium	1 per 50 sq. ft. of floor area in parlor of service rooms or 1 per 5 seats or 5 persons of total capacity in assembly rooms, if applicable, plus one per employee.
J.	Quick-service eating establishments	1 per 50 sq. ft. of floor area for public use or 1 per 4 seats, whichever is greater, plus 2 per 3 employees on the largest shift.
K.	Sit-down and banquet eating establishments or Tavern Bring-Your-Own-Bottle Club	<p>1 per one hundred (100) sq. ft. of gross floor area of 1 per 4 seats, whichever is greater, plus 1 per 2 full-time employees of the largest shift.</p> <p>In CG Districts, such restaurants whose gross floor area is less than 1,000 sq. ft. shall be exempt from any requirement. 1 per one hundred (100) sq. ft. of gross floor area over 1,000 sq. ft. or 1 per 4 seats, whichever is greater, plus 1 per 2 full-time employees of the largest shift.</p>
L.	Retail stores and businesses, personal service establishments	<p>1 per 200 sq. ft. of gross floor area plus 1 per 2 full-time employees of the largest shift, except that:</p> <p>In CG and CN Districts, any establishment whose gross floor area is less than 1,000 sq. ft. shall be exempt from any requirement. 1 per 200 sq. ft. of gross floor area over 1,000 sq. ft. plus 1 per 2 full-time employees of the largest shift.</p>
M.	Shopping Centers	1 per 200 sq. ft. of gross floor area.
N.	Brewery Pubs Mom and Pop Grocery Convenience Store	1 per 200 sq. ft. of gross floor area. Brewery Pubs must provide one off-street loading space.
O.	Medical Care Facility, Medical Research Facility (revised 6/19/2001 Bill 4 Ordinance 4)	1 per 200 sq. ft. of net floor area.

Updated 6/19/2001

1310.06 INDUSTRIAL PARKING

a) All industrial establishments in addition to vehicular storage for company vehicles or vehicles in storage awaiting repair, delivery, etc., shall have minimum off-street parking spaces as follows:

1) Schedule

	<u>USES</u>	<u>Required Parking Space(s) per Each Specified Unit or Part Thereof</u>
A.	Industrial Uses	2 per 3 employees of design capacity of the largest shift.
B.	Sanitary Landfill	1 per 10,000 sq. ft. of lot area.
C.	Junk Yard Scrap Yard Recycling Facility	1 per 10,000 sq. ft. of lot area plus 1 per company vehicle.
D.	Warehousing, Mini-storage, Self-storage	1 per employee.

1310.07 UTILITY AND TRANSPORTATION PARKING

a) The minimum off-street parking spaces for utilities and transportation uses are as follows:

1) Schedule

<u>USES</u>		<u>Required Parking Space(s) per Each Specified Unit or Part Thereof</u>
A.	Bus and taxi terminals	As required by Council.
B.	Communication transmitting and receiving facilities (commercial), supply utilities and sewage facilities	1 per vehicle normally required to service each facility.
C.	Community garages or parking lots and accessory off-street parking	None.
D.	Helistop	As may be required by the Zoning Hearing Board.
E.	On-lot storage	None, unless the goods so stored are for sale, in which case, 1 per 1,500 sq. ft. so utilized.
F.	Public garages	As required by Section 1310.05(E).
G.	Railroad terminals, yards and rights of way	As required by Council.
H.	Temporary structure or use	As required by the applicable section of this article.

1310.08 PARKING LOCATION AND MANAGEMENT REQUIREMENTS

a) **Existing Parking** Structures and uses in existence at the date of adoption of this section shall not be subject to the requirements of this article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

b) **Nonconforming Parking Lots**

- 1) **Continuation** Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the zoning district in which it is located.
- 2) **Construction** The provisions of this Ordinance shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, or the establishment of a use on any nonconforming lot. However, this provision shall not apply to any two (2) or more contiguous lots in single ownership as of, or subsequent to, the effective date of this section where re-parceling or re-platting could create one (1) or more conforming lots.
- 3) **Variance** The Zoning Hearing Board may, by variance, reduce or waive the yard requirements if it is determined that the provisions of Section 1311.06, Variance Appeals are met.

- c) **Change in Requirements** Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Section 1311.06 Variance Appeals, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
- d) **Conflict with Other Uses** No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- e) **Continuing Obligation**
 - 1) **Maintenance Availability** All required parking facilities shall be provided and maintained so long as the use that the facilities were designed to serve exists. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board, and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.
 - 2) **Drainage, Erosion, etc.,** For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, paved and drained to the satisfaction of the City Engineer to the extent necessary to prevent nuisances of dust, erosion or excess water flow across streets or adjoining property.
- f) **Parking for Joint Use** Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total only as a special exception under Article 1305, Special Exceptions if it can be demonstrated to the Board that the hours or days of peak parking needed for the uses are so different that a lower total shall provide adequately for all uses served by the facility.
- g) **Fractional Parking Spaces** Where the computation of required parking spaces results in a fractional number, any fraction equal to or exceeding one-half space shall be counted as one (1); any fraction less than one-half may be dropped.
- h) **Location of Parking Spaces**
 - 1) **RS1, RS2, CH, I and OS Districts** In RS1, RS2, RO, CH, I and OS Districts required off-street parking spaces shall be on the same lot or premises with the use served.
 - 2) **RM, RO, CN, CG, IH AND IL Districts** In RM, RO, CN, CG, IH and IL Districts required off-street parking spaces may be on the same lot or premises with the use served or on a lot separated therefrom, but within one hundred (100) feet for residential uses and two hundred (200) for all other uses. Where provision of required parking involves a lot separated from the use served, the applicant for a use or building permit shall submit with his application an instrument duly executed and acknowledged, which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the office of the Recorder of Deeds.

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- i) **Waiver of Parking Requirements by Council** The minimum off-street provisions of Section 1310.01, Required Off-Street Parking Requirements, may be waived by Council, provided:
- 1) The land development plan shows all required spaces, including required buffer strips and accessways;
 - 2) The land development plan shows specifically which spaces are to be waived;
 - 3) Satisfactory documentation is submitted attesting to the reduced need for off-street parking; and
 - 4) The developer enters into an agreement and executes a performance bond to construct the waived spaces, if in the opinion of Council, such additional parking is deemed necessary. The performance bond and agreement shall terminate after five (5) years.
- j) **Lighting Public Parking Areas** All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.

1310.09 PARKING DESIGN STANDARDS

- a) **General Layout** The layout of every parking lot shall provide safe and efficient internal circulation in accordance with accepted traffic engineering principals and standards.
- 1) **Dead-end Parking Lots** All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking lot.
 - 2) **Individual Motor Vehicle Movement** Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring any other motor vehicles to be moved.
 - 3) **Private Parking Lots** Private parking lots, including residential and employee, are not subject to the standards as described in Section 1310.09, Parking Design Standards, except when such parking facility abuts a public right-of way whereupon the standards governing setback and screening shall apply. In the case of a double frontage lot, setback and screening standards in rear yard are not required along the abutting public right-of-way. (Revised 6/8/2000 Bill 8 Ordinance 8)
- b) **Size of Parking Lots** No one lot for off-street parking of motor vehicles shall exceed thirty-six (36) cars in capacity. For purposes of this Zoning Ordinance, a parking lot shall be considered any parking area separated from another by planting strips as provided in subsection (g) hereof. Such lots may be connected by vehicular access ways. Car sale lots and stadiums shall be exempted from this requirement. (Revised June 17, 2003 Bill No. 30 Ordinance 28)
- c) **Parking Lot Access to Streets** At no time shall angle or perpendicular parking be permitted along public streets. All parking lots and bays permitting parking other than parallel shall be physically separated from the street and confined by curbing or other suitable separating device.
- 1) **Entrances, Exits** Entrances and exits to and from off-street parking lots shall be located so as to create minimum interference with street traffic.
 - 2) **Preventing Overflow Onto Streets** Every off-street parking lot shall include sufficient reservoir space to accommodate entering and exiting vehicles without overflowing onto adjacent streets or service roadways.
 - 3) **Alleys, Lanes, Serviceways** Alleys, lanes and other serviceways that are primarily intended to provide a secondary means of access to lots do not require a physical separation from the street as required in subsection (c) hereof, unless it is determined that the emplacement of a parking lot or space shall negatively impact adjacent properties.

- d) **Dimensions of Stalls and Aisles** Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking (degrees)	Parking Space (Feet)		Aisles (Feet)	
	Width	Depth	One-way	Two-way
90	9	18	18	22
60	9	20	16	18
45	9	20	15	18
30	9	18	12	15
Parallel	8	20	12	18

- e) **Special Use Parking Lots** When a group of parking spaces is designed and appropriately signed to accommodate subcompact cars, the above dimensions may be reduced by ten percent (10%).

f) **Americans with Disabilities Act (ADA) Requirements for Accessibility of Parking Spaces**

- 1) **New Construction, Alterations** New construction and alterations of places of public accommodation and commercial facilities must be accessible in accordance with the requirements of ADA Accessibility Guidelines (ADAAG).

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

Source: Americans with Disabilities Act Accessibility Guidelines.

- 2) **Accessible Space Requirements** Accessible spaces are required to be eight (8) feet wide with an adjacent access aisle that is five (5) feet wide. The access aisle portion must be demarcated. A single thirteen (13) foot wide space is not acceptable. One (1) in every eight (8) accessible spaces shall have an access aisle eight (8) feet wide and shall be signed "van accessible." The wider space will not be restricted to van use.
- 3) **Location** Parking facilities for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars.

g) **Separation of Parking Lots**

- 1) **RS1, RM, RO, CH, IL I and OS Districts** Separate lots on a parcel shall be physically separated from one another by five (5) foot planting strips in RS1, RM, RO, CH, IL, I and OS Districts.
- 2) **Pedestrian Crosswalks, and refuge Islands** Pedestrian crosswalks and refuge islands shall be provided at intervals not exceeding two hundred (200) feet along the length of each parking lot. Car sale lots shall be exempted from this requirement.

- h) **Setbacks**
 - 1) **Residential Special Districts** In residential and special zoning districts, all parking lots shall be set back from any street line in conformance with pertinent building setback or yard requirements.
 - 2) **Commercial, Industrial Districts** Where setbacks are required in commercial and industrial zoning districts such setbacks may be reduced to five (5) feet when planted and screened in accordance with Section 1306.02(c). Setback distances for parking lots may vary as permitted in Section 1307.01(f), Permitted Uses in Yards.
 - 3) **Proximity to Any Principal Building** No less than ten (10) feet of open space and/or sidewalk shall be provided between the edge of any parking lot and the outside wall of any principal building in all zoning districts except a CBD which shall have no such requirement. (Revised 6/8/2000 Bill 8 Ordinance 8)
- i) **Screening** Parking lots for six (6) or more vehicles accessory to any institutional, commercial, industrial or utility/transportation use and located in or immediately adjacent to a residential or institutional district shall be screened in accordance with Section 1306.02(c), Buffering and Screening, on each side which faces a residential use or district.
- j) **Curb Radius** No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

1310.10 OFF-STREET LOADING REQUIREMENTS

- a) **Required Spaces and Berths**
 - 1) **Institutional, Commercial, Industrial, Utility/Transportation uses** For all institutional, commercial, industrial and utility/transportation uses whose principal buildings have an aggregate floor area exceeding 6,000 square feet, at least one (1) off-street loading space shall be provided. Where there is an aggregate of 20,000 square feet or more, one (1) off-street berth shall be provided for the initial 20,000 square feet plus one (1) additional berth for each 60,000 square feet above 20,000 square feet.
 - 2) **Off-Street Loading Berths versus Off-Street Loading Spaces** For purposes of this Zoning Ordinance, off-street loading berths shall be distinguished from off-street loading spaces in that a berth shall have a platform or dock raised to the height of a truck bed whereas a space may off-load at ground level.
 - 3) **Maintenance** All off-street loading spaces and berths shall be provided and maintained so long as the use exists which the facilities were designed to serve. However, they may be reduced in number after their provision by special exception in a manner similar to that provided in Section 1310.08(i), Waiver of Parking Requirements by Council.
- b) **Specifications** Off-street loading facilities shall be designed to conform to the following specifications:
 - 1) Each required berth shall be not less than twelve (12) feet in width, forty five (45) feet in length and fourteen (14) feet in height, exclusive of drives and maneuvering space and shall be located entirely on the lot being served;
 - 2) There shall be appropriate means of access to a street or alley as well as adequate maneuvering space;
 - 3) The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet, and the minimum width shall be twenty (20) feet;
 - 4) All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the City Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across streets or adjoining property; and
 - 5) The setback provisions of Sections 1310.09(h) Setbacks, and the screening provisions of Section 1310.09(i) Screening, shall be met when applicable.

**ARTICLE 1311
ZONING HEARING BOARD**

1311.01	Establishment and Continuation
1311.02	Membership, Term and Election of Officers
1311.03	Removal of Members
1311.04	Powers and duties
1311.05	Determination Appeals
1311.06	Variance Appeals
1311.07	Special Exception Applications
1311.08	Conditional Use Application
1311.09	Parties Appellant Before Board
1311.10	Status of Variance, Special Exception and Conditional Use Approvals
1311.11	Challenge to Zoning Validity
1311.12	Hearings Required and Notice
1311.13	Conduct of Meetings
1311.14	Records and Decisions
1311.15	Appeals to Court

CROSS REFERENCE

Zoning Appeals - see Act 247 Section 615 (53 P.S. 10615)
Zoning Challenges - see Act 247 Section 801 et seq. (53 P.S. 10801 et seq.)
Zoning Hearing Board - see Act 247 Section 901 et seq. (53 P.S. 10901 et seq.)
Appeals to Courts - see Act 247 Section 1001 et seq. (53 P.S. 11001 et seq.)
Attachment to Community Development Dept. - see ADM 151.01(e) Nonconformities - see P & Z 1307.08
Subdivision Appeals - see P & Z 1337.07

1311.01 ESTABLISHMENT AND CONTINUATION

- a) **Purpose** A Zoning Hearing Board is established in order that the objectives of this Zoning Ordinance may be fully and equitably achieved and a means for competent interpretation of this Zoning Ordinance is provided.
- b) **Funds for Operation** Council shall appropriate funds for the operation of the Zoning Hearing Board and for administration, enforcement, and actions to support or oppose, upon appeal to the courts, decisions of the Board.
- c) **Fees** Council shall prescribe reasonable fees for the administration and enforcement of the Zoning Ordinance except that these fees shall not include Board expenses listed in subsection (b) hereof.

1311.02 MEMBERSHIP, TERM AND ELECTION OF OFFICERS

- a) **Membership and Term** The Zoning Hearing Board shall consist of five (5) members appointed by Council resolution. The terms of office of each member shall be five (5) years, so fixed that the term of office of one (1) member shall expire each year. Members of the Board shall be residents of the City and shall hold no other office in the City. The Board shall promptly notify Council of any vacancies which occur. Appointments to fill vacancies shall be only for the expired portion of the term.
- b) **Quorum Requirements Waived** A quorum of three (3) members shall be needed in order to hear evidence and decide all contested questions. However, this quorum requirement may be waived if all parties to the case, including the Board members, agree to hear the case. Such agreement shall be made a part of the record and the hearing shall proceed as provided in Section 1311.12, Hearings Required and Notice.

- c) **Officers** The Board shall elect a chairman, vice-chairman and secretary from its membership who shall serve annual terms and may succeed themselves.
- d) **Alternate Members and Term** Council may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to this section, an alternate shall be entitled to participating in all proceedings and discussions of the Board to the same and full extent as Board members and shall have all the powers and duties. This includes specifically the right to cast a vote as a voting member during proceedings. Alternates not designated as a voting alternate member pursuant to this section may participate in any proceeding or discussion but shall not be entitled to vote as a member of the Board. If, by any reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until final determination of the matter or case. Designation of an alternate shall be made on a case-by-case basis in rotation according to seniority.

1311.03 REMOVAL OF MEMBERS

- a) Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member requests it in writing.

1311.04 POWERS AND DUTIES

- a) **Governed by MPC** The powers and duties of the Zoning Hearing Board are governed by Articles IX and X-A of the Pennsylvania Municipalities Planning Code. The provisions of Section 1311.05 to 1311.09 shall serve as a supplement thereto. In cases of conflict, the provision of the Pennsylvania Municipalities Planning Code shall prevail.
- b) **Jurisdiction to Hear and Render** The Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - 1) Substantive challenges to the validity of any land use ordinance except curative amendments brought under Section 1311.11(d) Challenge to Zoning Validity;
 - 2) Challenges to the validity of any Land Use Ordinance either raising procedural questions or identifying alleged defects in the enactment or adoption which shall be raised by an appeal within thirty days after the effective date of the ordinance;
 - 3) Appeals from any determination of the Zoning Officer;
 - 4) Appeals from a determination by the City Engineer or Zoning Officer in matters relating to the administration of flood plain or flood hazard ordinance or such provisions in land use ordinances;
 - 5) Application for a variance from a zoning, flood plain or flood hazard ordinance or such provisions in land use ordinances;
 - 6) Application for special exception pursuant to any zoning, flood plain or flood hazard ordinance or such provisions in land use ordinances; and
 - 7) Appeals from the determination of the Zoning Officer or City Engineer concerning sedimentation, erosion control and storm water management with the exception of land developments or subdivisions of PRD's.
- c) **Legal Counsel, Experts, Staff** The Board may employ or contract for and fix the compensation of legal counsel, who shall be an attorney other than the municipal solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.

- d) **Records, Procedural Changes** The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the City and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the City, and shall submit a report of its activities to Council as requested by them.

1311.05 DETERMINATION APPEALS

- a) **Procedures** Appeals from any determinations of the Zoning Officer and or the City Engineer specifically related to matters relating to the administration of floodplain or flood hazard ordinances and such provisions included in sedimentation, erosion control and stormwater management ordinances, land development, subdivision and or Planned Residential Development ordinances shall be filed in writing with the Director of Planning within thirty (30) days of such determination, specifying the grounds thereof and including the following:
- 1) The name and address of the applicant or appellant;
 - 2) The name and address of the owner of the property affected by the determination;
 - 3) A statement of the determination, and reasons for the Appeal;
 - 4) A statement of the ordinance under which the determination was made; and
 - 5) A reasonably accurate description of the property and its present improvements and the additions or changes proposed, indicating the size, material and general construction thereof. A plot plan of the property should be submitted. The plan must show the location and size of the lot and footprints of existing improvements and proposed improvements. (Revised 6/8/2000 Bill 8 Ordinance 8)

1311.06 VARIANCE APPEALS

- a) **Variance Appeal Procedure** Where unnecessary hardship exists resulting from the strict interpretation of specific provisions of this Zoning Ordinance, the Zoning Hearing Board may grant a variance. In considering any appeal for a variance, the Board shall pursue the following procedure:
- 1) **Hearing Request** Upon appeal from a decision by the Zoning Officer, the Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship on the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer.
 - 2) **Advisement from Planning Commission** No application for a permit shall be granted by the Board for any variance until the Board has first received and considered an advisory report thereon from the Planning Commission. The Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. If the Commission fails to file its report within such thirty (30) days, the application shall be deemed approved. The Commission may have representation at the public hearing held by the Board.
 - 3) **Applicability of Variance** The Board's decision to grant a permit for a variance shall be made only after public notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at the public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Board.
 - 4) **Variance Criteria** The Board may thereafter grant a variance authorizing the Zoning Officer to issue a zoning permit, provided all of the following findings are made in any given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness, lot size and shape, 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 Zoning Ordinance in the neighborhood or zoning district in which the property is located;
 - B. 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, therefore, the authorization of a variance is necessary to enable the reasonable use of the property;

- C. That such unnecessary hardship had not been created by the appellant;
 - D. That the variance, if authorized, shall not alter the essential character of the neighborhood or zoning district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent properties nor be detrimental to the public welfare; and
 - E. That the variance, if authorized, shall represent the minimum variance which shall afford relief and the least modification possible of the regulation in issue, and shall not permit the establishment of a principal or accessory use not otherwise permitted by this Zoning Ordinance.
 - F. For variances applications located within the one hundred (100) year floodplain, the criteria of 1303.21, FP Floodplain Overlay District, shall also apply.
- 5) **Attachment Conditions** In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

1311.07 SPECIAL EXCEPTION APPLICATIONS

- a) **Special Exception Procedures** In this Zoning Ordinance, special exceptions may be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria contained in Article 1305, Special Exception, and the general provisions contained in this section. The Board shall pursue the following procedure:
- 1) **Applicability of Special Exception** The Board's decision to grant a permit for a special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at the public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Board as a special exception use.
 - 2) **Advisement from Planning Commission** No application for a permit shall be granted by the Board for any special exception use until the Board has first received and considered an advisory report thereon from the Planning Commission regarding the location of such use in relation to the needs and growth pattern of the area and, where appropriate, referencing the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the site plan. The Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. If the Commission fails to file its report within such thirty (30) days, the application shall be deemed to have been approved by the Commission. The Commission may have representation at the public hearing held by the Board of such application. After receipt of the report, the Board shall hear the application in the same manner and under the same procedure as it is empowered by law and this Zoning Ordinance.
 - 3) **Special Exception General Provisions** The Board may thereafter authorize the Zoning Officer to issue a zoning permit if, in its judgment, the use meets all specific standards and criteria contained in this Ordinance and the following general provisions:
 - A. **Purpose** The intended purpose of this proposed use shall be consistent with the City's development objectives established in the Comprehensive Plan.
 - B. **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 as to its relationship to and effect on surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
 - C. **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 traffic generation.

- D. **Serviceability** Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the City to supply such services.
 - E. **Accessibility** The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrians and vehicles, off-street parking and accessibility to the existing or proposed City street system.
 - F. **Conformity** The proposed use shall be in conformance with all application requirements of this Zoning Ordinance and where applicable in accordance with the Subdivision and Land Development Ordinance.
 - G. For special exception applications located within the one hundred (100) year floodplain, the factors of 1303.21(t), Additional General Provisions for Special Exceptions Applications, shall also apply.
- 4) **Attachment of Conditions** In granting a special exception, the Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to insure that any proposed development shall secure substantially the purposes of this Zoning Ordinance.

1311.08 CONDITIONAL USE APPLICATION

- a) **Conditional Use Procedure** For any use permitted by conditional use, approval must be granted by the City Council before the use is established.
- b) **Submission Requirements** A scaled drawing (site plan) of the subject property with sufficient detail and accuracy to demonstrate compliance with all applicable provisions required of this ordinance shall be submitted.
 - 1) **Hearing Request** Upon application, the City Council shall hear requests for conditional use applications where the provisions of this Zoning Ordinance allow such review. The City Council shall prescribe the form of application and require preliminary application to the Zoning Officer.
 - 2) **Advisement from Planning Commission** No application for a permit shall be granted by the City Council for any application until the City Council has first received and considered a recommendation thereon from the Planning Commission. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. If the Planning Commission fails to file its report within such thirty (30) days, the application shall be deemed approved. (Revised June 17, 2003 Bill No. 30 Ordinance 28)
 - 3) **Applicability** The City Council's decision to grant a permit for a conditional use shall be made only after public notice and hearing. The City shall mail or deliver notice to the owner of every lot fronting on the same street within one hundred feet (100) of the lot or the building in question. Such permit shall apply specifically to the appeal and plans submitted and presented at the public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Council.
 - 4) **General Provisions** Conditional use general provisions shall be the same as follows:
 - A) **Economic** The proposed use shall demonstrate long-term economic benefit to the community.
 - B) **Purpose** The intended purpose of this proposed use shall be consistent with the City's development objectives established in the Comprehensive Plan
 - C) **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 as to its relationship to and effect on surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
 - D) **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 traffic generation.
 - E) **Serviceability** Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the City to supply such services.
 - F) **Accessibility** The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrians and vehicles, off-street parking and accessibility to the existing or proposed City street system.
 - 5) **Attachment of Conditions** In granting a conditional use, the Council may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to insure that any proposed development shall secure substantially the purposes of this Zoning Ordinance.

1311.09 PARTIES APPELLANT BEFORE BOARD

- a) **Filing Requirements** Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of this Zoning Ordinance may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the City or any person aggrieved. However, requests for a variance or special exception shall be filed with the Board by any landowner (or any authorized agent of such landowner), including a tenant with permission of the landlord.

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1311.10 STATUS OF VARIANCE, SPECIAL EXCEPTION, AND CONDITIONAL USE APPROVALS

- a) **Permit Term** An application for a permit for any approved variance or special exception approval shall be deemed to have been abandoned 6 months after date of approval, unless work in connection with such application had been diligently prosecuted or a valid building permit is maintained. Once approval has been granted, the Zoning Officer may approve two (2) six month extensions provided a determination has been made that the facts did not change. Extension after this one (1) year time period will require consent approval from the Zoning Hearing Board.
- b) **Revocation** The Zoning Officer may revoke a permit or approval issued under the provisions of this Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

1311.11 CHALLENGE TO ZONING VALIDITY

- a) **Head According to MPC** Except for appeals for a curative amendment as provided in Section 1312.08, Amendments, the Zoning Hearing Board shall hear all challenges to the validity of this Zoning Ordinance. In all such challenges, the Board shall hear and decide as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- b) **Written Request** Except for appeals for a curative amendment to Council, persons aggrieved by a use or development permitted on the land of another, and landowners who desire to challenge the validity of the Zoning Ordinance as it prohibits or restricts the use or development of land in which they have an interest, shall submit a written request to the Board. The written request shall contain the reasons for the challenge.
- c) **Public Notice, Time Requirements** The Board shall commence its hearing within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time. Public notice of the hearing shall include notice that the validity of the Zoning Ordinance is in question and shall give the place where and the times when a copy of the written request may be examined by the public. The Board shall render its decision within forty five (45) days after the conclusion of the last hearing.
- d) **Consideration of Submitted Materials and Impacts** Based upon the testimony presented at the hearing or hearings, the Board shall determine whether the challenged ordinance is, or maps are, defective as alleged by the aggrieved person or landowner. If the Board finds that the challenge has merit, its decision shall include recommended amendments, which shall cure the defect. In reaching its finding, the Board shall consider the reasons and materials submitted by the appellant as well as the following:
 - 1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2) 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;
 - 3) The suitability of the site for the intensity of proposed use according to the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - 4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, other 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
 - 5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

- e) **Subdivision and Land Development; Requiring Further Application** Where a validity challenge is sustained by the Board pursuant to, or the court acts finally on, a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to the Subdivision and Land Development Ordinance. Within the two (2) year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner that adversely affects the rights of the applicant as granted in the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Article 1331, Subdivision and Land Development Ordinance, shall apply.
- f) **Subdivision and Land Development; No Further Application Required** Where the proposal appended to the validity challenge is approved, but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have 1 year within which to file for a building permit. Within the 1 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 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.
- g) **Challenge Deemed Denied** The challenge shall be deemed denied when the Board fails to commence a hearing or fails to render a decision on the request within the respective time periods specified in subsection (c) hereof, unless the time period is extended by mutual consent of the applicant and municipality.
- h) **Jurisdiction** Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section. The District Justice shall have initial jurisdiction over all proceedings brought under this section.

1311.12 HEARINGS REQUIRED AND NOTICE

- a) **Hearing Required** The Zoning Hearing Board shall conduct hearings on any determination, variance or special exception appeals and challenge to zoning validity or other matter requiring the Board's decision or other official action.
- b) **Notice Required** Upon the filing with the Board of an appeal, application or challenge, the Board shall fix a reasonable time within sixty (60) days for a public hearing thereon, unless the applicant has agreed on writing to an extension of time and place, and give notice as follows:
 - 1) Publish public notice in accordance with Section 1302.89, Public Notice;
 - 2) Post a notice of pending action in a conspicuous place on the property involved. Such posting is to take place 1 week prior to the public hearing; and
 - 3) Mail or deliver a notice thereof to the owner of every lot fronting on the same street within one hundred (100) feet of the lot or the building in question and if such lot or building is a corner lot, to every owner of a lot on the side street within one hundred (100) feet of such building.
- c) **Parties to the Hearing** The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. 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. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be executed. The chair of the Board shall have 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.

- d) **Prohibition of Board Communication with Parties** The Board 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. The Board shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their 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 the opportunity to be present.
- e) **Application Pending and Staying of Action** Upon the filing of any proceeding referred to in Section 1311.04(b), Powers and Duties, and during its pendency before the Board, all land development pursuant to such challenged ordinance, order or approval of the Zoning Officer or Board, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the 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 Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or to the Board. 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 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 Board.

1311.13 CONDUCT OF MEETINGS

- a) **Conduct of Meetings** The Zoning Hearing Board shall prescribe rules for the conduct of its meetings with such rules to be in conformance with the Pennsylvania Municipalities Planning Code and this Zoning Ordinance. Meetings shall be held at the call of the Chair and at such other times as the Board may specify in its rules or procedures.

1311.14 RECORDS AND DECISIONS

- a) **Record and Transcript** The Zoning Hearing Board shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- b) **Rendering a Decision or Findings** The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty five (45) days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons for such conclusions. Except for challenges to zoning validity where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (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.
- c) **Public Notice Upon Failure of Board to Meet or Render Decision** When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as provided in subsection (b) herein, the Board shall give public notice of such decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1311.12, Hearings and Required Notice. If the Board fails 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.
- d) **Delivery** A copy of the final decision or, where no decision is called for, of the findings shall 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 Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings. Full decision of findings may be examined between 8:00 a.m. and 4:30 p.m. at the Zoning Office.

1311.15 APPEALS TO COURT

- a) **Appeals to the Court of Common Pleas** Any person aggrieved by any decision of the Zoning Hearing Board may, within thirty (30) days after such decision of the Board, appeal to the Court of Common Pleas of York County, Pennsylvania, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law and specify the grounds on which the person relies. Such appeals shall be made in accordance with Article X-A of the Pennsylvania Municipalities Planning Code (Act 247) as amended.

**ARTICLE 1312
ADMINISTRATION**

1312.01	Permits
1312.02	Use Certificates
1312.03	Temporary Permits
1312.04	Zoning Officer Powers and Duties
1312.05	Repealer
1312.06	Remedies
1312.07	Erroneous Permit
1312.08	Amendments
1312.09	Fees
1312.10	Exemptions
1312.99	Penalty

CROSS REFERENCES

Enactment Amendments - see Act 247 Sec. 609 (53 P.S. Sec. 10609)
Appointment and Powers of Zoning Officer - see Act 247,614 (53 P.S., 10614)
Enforcement Remedies - see Act 247,617 (53 P.S. Sec. 10617)
Conflict - see P & Z 131.02
Building Permit Fees - see BLDG & HSG 1701.03 (BOCA Sec. 118.0)
Building Permit Returns - see BLDG & HSG Article 1721

1312.01 PERMITS

- a) **Conditions for Building Permits** No person shall construct, grade, enlarge, alter, remove or demolish a building or structure or change the use or occupancy of a building or land or make any of the modifications requiring a permit under the BOCA National Building Code adopted in the Codified Ordinances until it has been determined that all provisions of the zoning ordinance have been complied with. (Revised 6/8/2000 Bill 8 Ordinance 8)
- b) **Building Permit Applications** All applications for building permit shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer and shall be filed with the Zoning Officer. The application shall include:
- 1) All plans and data required by the City Building Code and, when applicable, all plans and data required by the Subdivision and Land Development Ordinance;
 - 2) A general description of the proposed work, its location and the use and occupancy of all parts of all buildings, structures and lots;
 - 3) A plot diagram showing to scale the location, dimensions, and height of proposed structures or uses and any existing buildings in relation to the property and street lines;
 - 4) Two (2) copies of building specifications and plans;
 - 5) The number, location and design of parking and loading spaces, if applicable; and
 - 6) Engineering details and any other information deemed necessary and specifically required by the Zoning Officer. Proposed actions entirely or partially within the floodplain shall consider the requirements of 1303.21(k), Development Entirely or Partially within Floodplain.

Updated6/8/2000

- c) **Building Permit Approval**
 - 1) **Permit Approval or Rejection, Time Limit** If the specifications set forth by the applicant in his application for a building permit are in conformity with the provisions of this Zoning Ordinance, the City Building Code and all other applicable statutes, the Zoning Officer shall issue a permit. If the application or the plans do not conform, he shall reject such application in writing, stating the reasons therefor, and immediately shall mail notice of such refusal to the applicant at the address indicated on the application. The Zoning Officer shall grant or deny the permit not later than ten (10) days following application, except in cases of special exception or land development where further proceedings are necessary. The Zoning Officer shall attach his signature to all applications.
 - 2) **Permits Issued in Violation of Ordinance Provisions** Except on written order of the Zoning Hearing Board authorizing a variance, no building permit shall be issued for any structure where such erection, construction, reconstruction, extension, moving, razing or use thereof would be in violation of any of the provisions of this Zoning Ordinance. Any permit issued in error shall in no case be construed as waiving any provisions of this Zoning Ordinance.
- d) **Building Permit Term and Revocation**
 - 1) **Building Permit Term** An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after date of filing, unless work in connection with such application had been diligently prosecuted or a certificate of use and occupancy has been issued except that, for reasonable cause, the Zoning Officer may grant 1 or more extensions of time for additional periods not exceeding ninety (90) days.
 - 2) **Revocation** The Zoning Officer may revoke a permit or approval issued under the provisions of this Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.
- e) **Posting Building Permit** A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of work and until the completion of the same.
- f) **Building Permit Involving Land Development** Any owner seeking a building permit for any building or use falling within the definition of land development as contained in the Subdivision and Land Development Ordinance, shall make application in writing to the Zoning Officer for such permit. The application shall be processed in accordance with any applicable procedures contained therein prior to disposition by the Zoning Officer.
- g) **Changes to Permit, Application** After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

1312.02 USE CERTIFICATES

- a) **Certificate of Use and Occupancy Required** No land or buildings shall be occupied by a principal use or changed from one principal use to another and no building hereafter erected, constructed, altered, or extended shall be occupied until a certificate of use and occupancy has been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of all applicable City ordinances. No land or buildings shall be occupied after a change in ownership or lease holder until a certificate of use and occupancy has been issued by the Zoning Officer.

b) **Certificate Approval**

- 1) **Building Permit Required** No certificate of occupancy shall be issued by the code official under the provisions of the BOCA National Code adopted in the Codified Ordinances until it has been determined that all applicable provisions of the Zoning Ordinance have been complied with.
- 2) **Permit Approval or Rejection, Time Limit** The certificate of occupancy shall be retained by the Zoning Officer until such time as the building in question has been approved as complying with the provisions of this Zoning Ordinance. Such certificates shall be granted or refused within ten (10) days after the Zoning Officer has been notified of the completion of the authorized construction or alteration or, where no construction or alteration is involved, within ten (10) days after receipt of written application thereof. (Revised 6/8/2000 Bill 8 Ordinance 8)

c) **Certificate Application** All applications for certificates of use and occupancy shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer, setting forth information listed in Section 1312.01, Permits, and other data the Zoning Officer may require.

d) **Certificate Expiration** A certificate of use and occupancy shall become void ninety (90) days from the date of issuance unless occupancy, use or change of use is commenced.

e) **Fees** Each applicant shall, at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of Council.

1312.03 TEMPORARY PERMITS

a) **Temporary Permit for a Nonconforming Use or Structure** A temporary permit may be authorized by the Zoning Officer for a nonconforming structure or use which is deemed to be beneficial to the public health or general welfare or which is deemed to be necessary to promote the proper development of the community, provided such nonconforming structure or use shall be completely removed by the expiration date of the permit without cost to the City. Such permits shall be issued for a specified period of time not to exceed 1 year and may be renewed annually for an aggregate period not exceeding three (3) years.

1312.04 ZONING OFFICER POWERS AND DUTIES

a) **Appointment; Powers and Duties** The provisions of this Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Mayor after meeting the qualifications established by the City for the Zoning Officer and successfully demonstrating a working knowledge of municipal zoning. The Zoning Officer shall not hold elective office in the City.

- 1) The Zoning Officer shall: Receive all applications for zoning permits and issued permits when there is compliance with the provisions of this Zoning Ordinance, other City ordinances and laws of the Commonwealth of Pennsylvania. Upon issuance of a zoning permit, the Zoning Officer shall notify the York County Board of Assessment and the City Planning Commission;
- 2) Inspect the lands and buildings built or altered under this Zoning Ordinance to insure that they comply with the provisions of this Zoning Ordinance, and upon satisfactory completion of inspection, issue an occupancy permit;
- 3) Receive applications for special exceptions and refer these applications to the Zoning Hearing Board for action thereon;
- 4) Following refusal of a zoning permit, receive any appeals from alleged errors of the Zoning Officer and any appeals for variances from the terms of this Zoning Ordinance and forward these to the Board for action thereon;
- 5) Conduct investigations to determine compliance or noncompliance with the terms of this Zoning Ordinance;

- 6) Order, in writing, correction of all conditions found to be in violation of the provisions of this Zoning Ordinance. Such written orders shall be served personally or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Zoning Ordinance;
 - 7) Institute, in coordination with the Mayor, proceedings in courts of proper jurisdiction for the enforcement of this Zoning Ordinance;
 - 8) Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to all conditions attached thereto;
 - 9) Maintain a map or maps showing the current zoning classification of all land in the City;
 - 10) Identify and register nonconforming structures, lots and uses as prescribed in Section 1307.08, Nonconformities, together with the reasons why they were identified as nonconforming;
 - 11) Upon the request of the Mayor, Council, Planning Commission, Zoning Hearing Board or City department heads, present to such body facts, records or any similar information to assist such individuals or bodies in reaching a decision;
 - 12) In cases where local government action in the form of condemnation, urban renewal activities and other City directed physical changes (i.e., street changes) causes a special exception or variance request, the Zoning Officer shall have the right to waive zoning fees.
- b) **Limits of Authority** The Zoning Officer shall have the authority to issue permits only for construction and uses that are in accordance with the requirements of this Zoning Ordinance. Construction and uses that require special exception or variance shall be issued zoning permits only on order of the Board. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement while acting within the scope of employment as a Zoning Officer.

1312.05 REPEALER

- a) Bill No. 33, Section 1950, passed June 2, 1950 and 1975, and entitled "The City of York Zoning Ordinance of 1950" and all amendments thereto, are hereby repealed. However, if this Zoning Ordinance is held to be ineffective or invalid by reason of an irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid; then and in that event, the Zoning Ordinance of 1950, as amended, shall remain in full force and effect.
- b) All other City ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this Zoning Ordinance.

1312.06 REMEDIES

- a) **Causes of Action** In any case where any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance or any duly enacted amendment thereof, the Zoning Officer or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the City. No action may be maintained until such notice has been given. When such action is instituted by the City, the action of the Zoning Officer may institute civil enforcement proceedings as a means of enforcement.
- b) **Violation and Enforcement** When it appears that a violation of the Zoning Ordinance has occurred, the City shall initiate enforcement proceedings as follows:
 - 1) **Notice** An 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 parcel, and to any other person requested in writing by the owner of record;

- 2) **Notice Information** The enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the City intends to take action;
 - B. The location of the property in violation;
 - C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the ordinance;
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed (see MPC, 616.1(c)(4));
 - E. That the recipient has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of this notice in accordance with procedures set forth in Article 1311, Zoning Hearing Board; and
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Board, constitutes a violation with possible sanctions as stated in Section 1312.99, Penalty, of this Zoning Ordinance.

1312.07 ERRONEOUS PERMIT

- a) **Erroneous Permit** A building permit or other permit or authorization issued or approved in violation of the provisions of this Zoning 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 City to validate such a violation.

1312.08 AMENDMENTS

- a) **Council Powers** Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Zoning Ordinance, and may request the City Planning Agency to prepare all necessary structures and surveys preliminary thereto.
- b) **Public Hearing**
 - 1) **Notice** Before voting on the enactment of an amendment, Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of such public hearing shall be conspicuously posted by the City at points deemed sufficient by the City along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - 2) **Submittal of Proposed Amendment to County Planning Commission** At least thirty (30) days prior to the hearing on the amendment by Council, the proposal amendment shall be submitted to the County Planning Commission for recommendation. In the case of an amendment other than that prepared by the Commission, Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Commission an opportunity to submit recommendations.
 - 3) **Substantial Changes to an Amendment** 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, Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.
 - 4) **Submittal of Enacted Amendment** Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.
- c) **Publication** Proposed zoning amendments shall be published not more than sixty (60) days nor less than seven (7) days prior to enactment in a newspaper of general circulation in the City. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the City Solicitor and setting forth all the provisions in reasonable detail. Time and location of the meeting at which passage is to be considered shall also be stated in the publication as the place and time where the proposed amendment can be obtained at no charge or at cost. If the full text is not included:

- 1) A copy thereof shall be supplied to the newspaper at the time the public notice is published; and
- 2) An attested copy of the proposed ordinance shall be filed in the county Law Library.

In the event substantial amendments are made in the proposed amendment before voting upon enactment, Council shall, at least ten (10) days prior to enactment, re-advertise in a newspaper of general circulation in the City a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. If the scheduled date of vote to enact an amendment is later than sixty (60) days after publication notice or ninety (90) days after the last public hearing, another publication or public hearing shall be held on the amendment.

d) **Landowner Curative Amendments**

- 1) A landowner or tenant who desires to challenge on substantive grounds 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, may submit a curative amendment to Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 916.1 of the Pennsylvania Municipalities Planning Code, Act 247 as amended. The written request shall contain the reasons for the challenge, as well as the plans and explanatory materials which shall provide a sufficient basis for evaluating the challenged ordinance. Nothing herein contained shall preclude the landowner from just seeking a final approval before submitting his challenge.
- 2) Council shall commence its hearing within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time. Public notice of the hearing shall follow Sections 1312.08(a)(6) and Section 1302.89 and shall include a statement that the validity of the ordinance is in question and shall give the place where and the times when a copy of the written request and submittal may be examined by the public. Council shall render its decision within forty-five (45) days after the date of the last hearing.
- 3) **Consideration of Submitted Materials and Impacts** Based upon testimony presented at the hearing, and review of the curative amendments, plans, and explanatory material submitted by the landowner, Council shall determine whether the challenge has merit. Council shall consider the following when making its determination:
 - 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 the proposed use according to the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and other 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 that are essential to public health and welfare.

The Municipal Solicitor shall represent and advise Council and the City Council may retain an independent attorney to present the defense of the challenged ordinance on its behalf and to present its witnesses on its behalf. Council may accept the landowner's curative amendment, with or without revision, or may adopt an alternative amendment which shall cure the challenged defects.

- 4) **Subdivision and Land Development; Requiring Further Application** Where a curative amendment proposal is approved by the grant of a curative amendment application by Council, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to the Subdivision and Land Development Ordinance. Within the two (2) year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner that adversely affects the rights of the applicant as granted in the curative amendment. Upon the filing of the preliminary or tentative plan, the provisions of Article 1331, Subdivision and Land Development Ordinance, shall apply.
 - 5) **Subdivision and Land Development; Further Application Required** Where the proposal appended to the curative amendment application is approved but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have 1 year within which to file for a building permit. Within the 1 year period, no subsequent change of amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner that adversely affects the rights of the applicant as granted in the curative amendment. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.
 - 6) **Serviceability** If the City does not accept a landowner's curative amendment, and a court subsequently rules that the challenge has merit, only those provisions specifically related to the challenge and curative amendment shall be declared invalid. All remaining provisions of the Zoning Ordinance and map shall remain in force.
 - 7) **Challenge Deemed Denied** The challenge shall be deemed denied when the Council fails to commence a hearing or fails to render a decision on the request within the respective time periods specified in subsection (f) hereof, unless the time period is extended by mutual consent of the landowner and municipality.
- e) **Municipal Curative Amendments** The City by formal action, may declare this ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.
- 1) Within thirty (30) days following such declaration and proposal, Council shall:
 - A. By resolution make specific findings setting forth the declared invalidity of this Zoning Ordinance which may include:
 1. References to specific uses that are either not permitted or not permitted in sufficient quantity; or
 2. References to a class of use or uses that require revision; or
 3. Reference to the entire ordinance which requires revision or revisions.
 - B. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
 - 2) Within one hundred eighty (180) days from the date of the declaration and proposal, the City shall enact a curative amendment to, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by subsection (b) hereof to cure the declared invalidity of this Zoning Ordinance.
 - 3) Upon the initiation of the procedures as set forth in this subsection (e)(1) hereof, Council shall not be required to entertain or consider any landowner's curative amendment filed under subsection (d) hereof nor shall the Zoning Hearing Board be required to give a report requested under Section 1311.11, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by this subsection (e). Upon completion of the procedure as set forth in subsections (e)(1) and (2) hereof, no rights pursuant to the provisions of subsection (d) hereof and Section 609 and 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, from the date of the 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 subsection (e).

- 4) The City having utilized the procedures as set forth in subsections (e)(1) and (2) hereof may not again utilize such procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to subsection (e)(2) hereof, provided, however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the City by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the City may utilize the provisions of this subsection (e) to prepare a curative amendment to its Ordinance to fulfill such duty or obligation.

1312.09 FEES

- a) **Fee and Fee Schedule Available** The City shall set fees for all applications, permits or appeals provided for by this Zoning Ordinance to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits and use certificates. The fee schedule shall be available through the Zoning Officer for inspection.

1312.10 EXEMPTIONS

- a) **Exemptions; Existing or Proposed Utility Corporation** The provisions of this Zoning Ordinance shall not apply to any existing or proposed utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

1312.99 PENALTY

No person shall erect, construct, reconstruct, alter, convert, maintain or use any building or structure or use any land in violation of any regulation or provision of this Zoning Ordinance or any duly enacted amendment hereof. Any person, partnership or corporation who violates or permits the violation of provisions of this Zoning Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the City, shall pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the City 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 District Justice. If the defendant neither pays nor timely appeals the judgment, the City 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 District Justice, determining that there has been a violation, further determines that there was good faith basis for the person, partnership or corporation violating this Zoning Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice. 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 Zoning Ordinance shall be paid to the City. 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.

**ARTICLE 1313
INTERPRETATION, CONFLICT AND VALIDITY**

1313.01	Interpretation
1313.02	Conflict with Other Laws
1313.03	Validity
1313.04	Effective Date

CROSS REFERENCE

Determination Appeals - see P & Z 1311.05
Administration - see P & Z Article 1312

1313.01 INTERPRETATION

- a) **Interpretation** In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety or general welfare.

1313.02 CONFLICT WITH OTHER LAWS

- a) **Resolving Conflict** The provisions of this Zoning Ordinance shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance or regulation shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance the provisions of such statute, ordinance or regulation shall prevail.

1313.03 VALIDITY

- a) **Severability** Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1313.04 EFFECTIVE DATE

- a) **Effective Date** This Zoning Ordinance shall take effect upon adoption and publication according to law